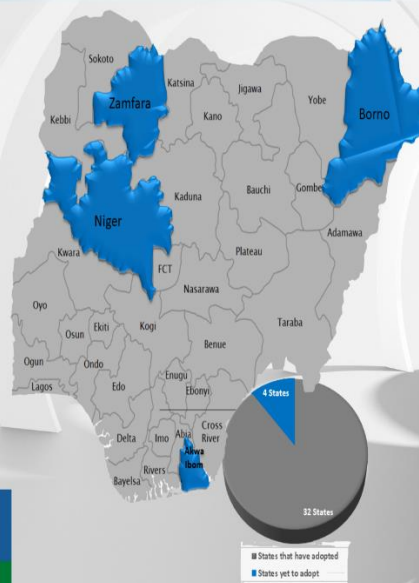




COMPARATIVE ANALYSIS OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT WITH STATE ADMINISTRATION OF CRIMINAL JUSTICE LAWS

**COMPILED BY
CENTRE FOR SOCIO-LEGAL STUDIES (CSLS)**



WITH SUPPORT OF

**MacArthur
Foundation**

**COMPARATIVE ANALYSIS OF THE
ADMINISTRATION OF CRIMINAL ACT
(ACJA), 2015 AND
ADMINISTRATION OF CRIMINAL
JUSTICE LAWS OF NIGERIAN STATES**



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ADMINISTRATION OF CRIMINAL ACT
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ADMINISTRATION OF CRIMINAL
JUSTICE LAWS OF NIGERIAN STATES**



**EDITED BY:
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**CENTRE FOR SOCIO - LEGAL STUDIES (CSLS),
NIGERIA**

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DEDICATION

**To the cause of advancement of Justice, uniformity of laws,
Implementation and the Reform of the Criminal Justice
System in Nigeria.**

ACKNOWLEDGEMENT

We acknowledge with profound gratitude the assistance of numerous individuals who helped to actualise the dream of producing this report. To mention a few: Olaide B. Akinseye-George, my darling wife and Executive Vice President of our Centre who coordinated the various activities that culminated in this work; Kelvin Mejulu, Odinakachukwu Okeke, Chiamaka Anyaegbu, Adenike Oyarekua, Celestine Acheme, Princewell Akinseye-George, Chukwudi Cletus Mgbada, Oluwapelumi Atolagbe and Ruth L. Ojumu.

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Prof. Yemi Akinseye-George, SAN

Chairman/Editor-in-Chief & President, Centre for Socio-Legal Studies

PREFACE

This compendium consists of the Comparative analysis of the Administration of Criminal Justice Act (ACJA), 2015 and the Administration of Criminal Justice Laws (ACJLs) of 32 states which as at the time of this research have adopted the ACJA. The analysis was done in line with the National Minimum Standards (NMS) for the effective implementation of the ACJA/ACJLs established by the Centre for Socio-Legal Studies (CSLS) in consultation with Criminal Justice Stakeholders.

The comparative analysis of the state ACJ Laws with the ACJA, 2015 as presented in this book was done in an Alphabetical Order, starting from Abia State to Zamfara State.

The comparative analysis is presented in a tabular format which is introduced by a summary of the analysis for each state. Each table contains, the National Minimum Standard provision under the ACJA, 2015, its equivalent in the ACJL of the state and the comments on the comparative analysis of both provisions.

Administration of Criminal Justice Act Adoption Tracker and the National Minimum Standards (NMS) Core Elements.

Adoption of the ACJA by states has followed at least two patterns. The first, pattern consists of wholesale adoption of the federal ACJA with minor modifications to suit the context of the state concerned. This is the approach adopted by a great majority of the states. The second pattern consists of adoption of the federal ACJA with extensive modifications by the state concerned. Only a few states adopted this approach.

The purpose of identifying the core essential elements of the ACJA/ACJL is to articulate the minimum standards a jurisdiction's criminal justice system should attain to effectively function in the best interest of citizens as well as aid the fight against corruption.

The core elements of the ACJA 2015 which are discussed in this work have been broadly categorized into three – Categories A, B and C.

Category 'A' elements are those provisions of the Act considered to be most critical and essential to the proper functioning of the criminal justice system, and create an enabling environment for the fight against corruption.

Category 'B' elements are those provisions of the Act essential to realizing gender equity and social inclusion (GESI) in the criminal justice system.

Category 'C' elements are those provisions that ensure that the criminal justice system conforms to the COVID-19 protocols in terms of leveraging information and communication technology (ICT) in the administration of criminal justice.

Below is a tabular illustration of the states which has passed the Administration of Criminal Justice Law, the year of passage of the law and the National Minimum Standards Core Elements.

SN	States	Year of Enactments	NMS Category A -Core Essential Elements Retained (4)	NMS Category B- GESI provisions retained (5)	NMS Category C- COVID-19 provisions retained (3)
1.	Abia	2017	4	5	3
2.	Adamawa	2018	4	5	3
3.	Akwa Ibom	Bill awaiting governor s' assent	Nil	Nil	Nil
4.	Anambra	2010	0	4	1
5.	Bauchi	2018	3	5	3
6.	Bayelsa	2019	1	5	1
7.	Benue	2019	4	5	3
8.	Borno	Bill in reading stage at the House of Assembly	Nil	Nil	Nil
9.	Cross Rivers	2017	4	4	3
10.	Delta	2017	4	5	3
11.	Ebonyi	2019	3	4	3

12.	Edo	2016	3	5	3
13.	Ekiti	2014	1	5	2
14.	Enugu	2017	3	4	2
15.	Gombe	2021	3	5	3
16.	Imo	2020	3	4	3
17.	Jigawa	2019	4	5	3
18.	Kaduna	2017	4	5	3
19.	Kano	2019	3	5	3
20.	Katsina	2020	3	4	2
21.	Kebbi	2021	3	5	3
22.	Kogi	2017	4	5	3
23.	Kwara	2018	4	5	3
24.	Lagos	2021	2	5	2
25.	Nasarawa	2019	4	5	3
26.	Niger	Bill in reading stage at the House of Assembly	Nil	Nil	Nil
27.	Ogun	2018	3	5	3
28.	Ondo	2015	2	5	1
29.	Oyo	2017	4	5	3
30.	Osun	2018	4	5	3
31.	Plateau	2018	3	5	3

32.	Rivers	2016	3	5	2
33.	Sokoto	2019	3	5	3
34.	Taraba	2021	4	5	3
35.	Yobe	2017	3	5	3
36.	Zamfara	Bill pending in the House of Assembly	Nil	Nil	Nil

List of Acronyms

ACJA	Administration of Criminal Justice Act
ACJL	Administration of Criminal Justice Law
ACJMC	Administration of Criminal Justice Monitoring Committee
COVID	Coronavirus Disease
FCT	Federal Capital Territory (i.e. Abuja)
FRN	Federal Republic of Nigeria
GESI	Gender Equity and Social Inclusion
NBA	Nigerian Bar Association
NWLR	Nigerian Weekly Law Report
SAN	Senior Advocate of Nigeria

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ABIA STATE

Comments:

The Abia State's Administration of Criminal Justice Law (ACJL), although similar to the Administration of Criminal Justice (ACJA) in many respects has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA. A quick example is the absence of the provision for the intervention of the Legal Aid and Civil Society Organizations (CSOs) at the point of recording an arrest and taking the statement of an arrested person. Also, it appears that there are some typographical errors in Section 267 which provides for plea bargain. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Abia State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING OF CRIMINAL JUSTICE) ACJA SECTION	ABIA STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ABIA ACJL
S.106 - Abolition of lay prosecutions	S.104	Same as ACJA
S. 7 - Prohibition of arrest in lieu of suspect	S.8	Same as ACJA

S.5- No unnecessary restraint	S.6	Same as ACJA
S.6 - Notification of reason of arrest	S.7	Same as ACJA
S.8 -Human Treatment of Arrested Persons	S.9	Same as ACJA
S.9-Decency in search of persons and properties including search by same sex	S.10	Same as ACJA
S.10-mandatory inventory of properties of arrested person	S.11	Same as ACJA
S.15 - video recording & facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	S.17(2)(3)	Section 17 of the ACJL of Abia State is a better draft compared to the ACJA. Section 17 of the Law lifts subsections (4) & (5) of S.16 of the ACJA and incorporates them into Section 17 that talks about Recording

		of Confessional Statements.
S.16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	S.16	<p>S.16 of the Law provides for the mandatory recording of arrest.</p> <p>However, the Law did not create the central criminal records registry at the state level. Perhaps this is intentional as the ACJA (being a federal law) has covered the field. By section 16 (2) of the ACJA, a Central Criminal Records Registry is established for every state police command</p>

S.17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	S.17	While S. 17 provides that an arrested person may have access to a legal practitioner of his choice or any other person, the law did not provide for legal support from the legal aid or civil society organizations
S.33 - Police report to supervising magistrates	S.33	Same as ACJA
S.34- Magistrate's oversight of police stations	S.34	Same as ACJA
S.293-S.294 - Remand proceedings	S.294	S. 294 of the ACJL of Abia State provides a remand time-limit that is more flexible and perhaps better than the ACJA. It provides that:

		<p>(1.) where an application in writing for good cause is shown why there should be an extension of the remand period, the court may make an order for the further remand for a period not exceeding 30 days and make the proceeding returnable within the said 30 days.</p> <p>(2.) where the person is still in custody on remand at the expiration of the period provided for in subsection (1), the Magistrate may on application if satisfied that there is no probable cause for the continued</p>
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		<p>detention grant bail to the person remanded.</p> <p>S. 295 of the Abia State ACJL also provides beautifully that the failure of the Attorney-General to file information within the time provided for the remand of the suspect shall be taken as special circumstance in considering an application for bail.</p>
S.17(2), S.110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	S.33(4), S.108(7)	<p>While S.17(2) of the ACJA provides for early engagement of the NHRC and Non-Governmental Organizations from the period of taking the statement of the</p>

		arrested person, the Abia State ACJL only contemplates their involvement after the monthly report of arrest is collected or submitted to the Attorney General
S.187 - Bondsmen engagement in bail management	S.184	Same as the ACJA
S.270 - Effective use of plea bargain	S.267	Section 267 is the same as the ACJA, but for some mistakes which appears to be typographical errors from the printers of the law. For example, the arrangement of subsection 16 of the law. Also, in a bid to correct the obvious mistake in Subsection (11) of the ACJA, the

		<p>Abia State law in its section 267 (11) also referenced a wrong subsection & paragraph. The right subsection ought to be 267(10)(a) and not (11) (a).</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN</i> (2020 14 NWLR Pt 1745 479) struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the</p>
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		provisions of the Constitution.
S.306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	S.305	Same as ACJA
S.396(7) - Dispensation to elevated appellate justice to complete part-heard matters	S.395(7)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
S.376(2) - Timelines for issuance of legal advice/filing of information by the Attorney General	S.375(2)	While the time limit for the A.G to issue legal advice is within 14 days under the ACJA, the time limit for issuance

		<p>of legal advice by the AG in Abia State is within 30 days after the receipt of the case file from the police.</p> <p>The A.G may either file information where there is a prima-facie case against the suspect; or issue a discharge order directing the court that remanded the suspect in custody to summon to court and discharge the suspect.</p>
S.396(3) - Day to day trials	S.395(3)	Same as ACJA
S.396(4)-(5) - Restricted intervals of adjournments	S.392(4) and (5)	Same as ACJA
S.110 - Timeframe to commence and complete trials	S.108(3) & (4)	Same as ACJA

S.382 -Assignment of cases to court within 15 days of filling (or within timeframe stipulated by state ACJL)	S.381	<p>Section 381 of Abia ACJL is similar to the ACJA, however there are some differences.</p> <p>The Abia ACJL sets a shorter time line for assignment of a charge.</p> <p>S. 378(1) of the ACJL provides that the Chief Judge shall take appropriate steps to ensure that a charge filed is assigned to a court for trial within 7 working days of its filing as against 15 working days prescribed by ACJA.</p>
S.246-S.254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	S.243-S.251	Same as ACJA

S.395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	S.394	Same as ACJA
S.319 - Compensation to victims of crime	S.318	Same as ACJA
S.396(6) - Award of costs against defense and prosecution	S.395(6)	Same as ACJA
S.491 - Misconduct proceedings for violating the Act or Law	S.476	Same as ACJA
S.364 - Electronic recording of court proceedings	S.363	Same as ACJA
S.232 - Protection of witnesses including in economic and financial crimes cases	S.229	S 229 is same as the ACJA save for the exclusion of the federal offences provided under S. 229(4) of the ACJA.
S.328 – Wrongful conversion or detention of property and award of damages	S.327	Same as ACJA
S.333 - Seizure or forfeiture of proceeds of crimes	S.332	Same as ACJA

S.111- Return by Controller General of Correctional Services to AG	S.109	Same as ACJA
S.401 - Sentencing guidelines	S.399	Same as ACJA
S.221 - Prohibition of objections during trials	S.218	<p>While S. 218 of the ACJL, which is the same as S. 221 of the ACJA prohibits the making of an objection on the grounds of an imperfect or erroneous charge during the proceeding or trial, Section 395(2) of the law allows objections to the validity of a charge after taking of plea.</p> <p>It is observed that trial commences after arraignment/plea taking.</p> <p>This contradiction also</p>

		exist in the ACJA as the same provision is made under Section 396(2). These provisions clearly contradict themselves
S.396(2) - Ruling of preliminary objections to charges deferred till judgment	S.395(2)	Same as ACJA
S.469 - Functioning of Administration of Criminal Justice Monitoring Committee	S.454	Same as ACJA
S.490 & 457(2) -Exercise of powers of heads of court to make supplementary rules and guidelines	S.475	Same as ACJA
CATEGORY B - (GESI) ACJA SECTION	ABIA STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ABIA ACJL
S.9(3) Search by same sex	S.10(3)	Same as ACJA.
S.12(3) Search of private premises occupied by a woman	S.13(3)	Same as ACJA

S.167(3) Women standing sureties for bail	S.164(3)	Same as ACJA
S.191-Married woman rights over her personal properties including against her spouse of customary marriage	S.188	Same as ACJA
S.404 and S.415 Sentence of death of a pregnant woman to be suspended	S.402 and S.413	Same as ACJA
CATEGORY C – COVID-19 ACJA SECTION	ABIA STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ABIA ACJL
S.364 - Electronic recording of court proceedings	S.363	Same as ACJA
S.15(4) - Electronic/video recording of interrogations and confessions	S.17(2)	Same as ACJA
S.232 - Use of virtual court hearing tools such as video conference in trials	S.239	Same as ACJA

ADAMAWA STATE

Comments

The Adamawa State's Administration of Criminal Justice Law (ACJL), although similar to the Administration of Criminal Justice (ACJA) in many respects has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Adamawa State in relation to the National Minimum Standards.

CATEGORY A – (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	ADAMAWA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ADAMAWA ACJL
S.106 - Abolition of lay prosecutions	S.108	Same as ACJA
S.7 - Prohibition of arrest in lieu of suspect	S.9	Same as ACJA
S.5-No unnecessary restraint	S.7	Same as ACJA
S.6 - Notification of reason of arrest	S.8	Same as ACJA
S.8 - Humane Treatment of suspect	S.10	Same as ACJA

S.9 - decency in search of persons and properties including search by same sex	S.11	Same as ACJA
S.10 - mandatory inventory of properties of arrested person	S.12	Same as ACJA
S.15 - video recording of facilities for recording interrogation process and confessional statements -Mandatory inventory of data of arrested persons	S.17	Same as ACJA
S.16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	S.18	Same as ACJA
S.17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	S.19	Same as ACJA
S.33 - Police report to supervising magistrates	S.35	Same as ACJA
S.34- Magistrate's oversight of police stations	S.36	Same as ACJA
S.293-294 - Remand proceedings	S.294-S.295	Same as ACJA

S.17(2), S.110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	S.19(2) S.112(7)	Same as ACJA
S.187 - Bondsmen engagement in bail management	S.188	Same as ACJA
S.270 - Effective use of plea bargain	S.271	NB: The Supreme Court struck down section 270 (18) of the ACJA in Iboyi Kelly V FRN (2020 14, NWLR Pt 1506 471) Section 270 (18) which prevent Appeals to superior courts on matters resolved by plea bargain.
S.306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	S.307	Same as ACJA
S.396(7) - Dispensation to elevated appellate justice to complete part-heard matters	S.397(6)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme

		Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
S.376(2) - 'Timeliness for issuance of legal advice/filing of information by the Attorney General	S.377(2)	Same as ACJA
S.396(3) - Day to day trials	S.397(3)	Same as ACJA
S.396(4-5) - Restricted intervals of adjournments	S.397(4-5) (Numbering Mistake in ACJL draft)	Same as ACJA
S.110 - Timeframe to commence and complete trials	S.112	Same as ACJA
S.382 -Assignment of cases to court within 15days of filling (or within timeframe stipulated by state ACJL)	S.382	Same as ACJA

S.246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	S.247-S.256	Same as ACJA
S.395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	S.396	Same as ACJA
S.319 - Compensation to victims of crime	S.320	Same as ACJA
S.396(6) - Award of costs against defense and prosecution	S.397(6)	Same as ACJA
S.491 - Misconduct proceedings for violating the Act or Law	S.492	Same as ACJA
S.364 - Electronic recording of court proceedings	S.365	Same as ACJA
S.232 - Protection of witnesses including in economic and financial crimes cases	S.233	S 245 (4) (B) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.

S.328 - Wrongful conversion or detention of property and award of damages	S.329	Same as ACJA
S.333 - Seizure or forfeiture of proceeds of crimes	S.334	Same as ACJA
S.111- Return by Controller General of Correctional Services to AG	S.113	Same as ACJA
S.401 - Sentencing guidelines	S.402	Same as ACJA
S.221 - Prohibition of objections during trials	S.222	Same as ACJA
S.396(2) - Ruling of preliminary objections to charges deferred till judgment	S.397(2)	Same as ACJA
S.469 - Functioning of Administration of Criminal Justice Monitoring Committee	S.470	Same as ACJA
S.187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	S.188(1) S.458(2)	Same as ACJA

CATEGORY B - (GESI) ACJA SECTION	ADAMAWA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ADAMAWA ACJL
S.9(3) Search by same sex	S.11	Same as ACJA
S.12(3) Search of private premises occupied by a woman	S.14(2)	Same as ACJA
S.167(3) Women standing sureties for bail	S.168(3)	Same as ACJA
S.191 Married woman rights over her personal properties including against her spouse of customary marriage	S.192	Same as ACJA
S.404 and S.415 Sentence of death of a pregnant woman to be suspended	S.405	S 405 diverges from the ACJA. It provides for the conversion of the death sentence of a pregnant woman to a sentence of life imprisonment. Whilst the ACJA only provides for suspension of the sentence until the baby is weaned.

CATEGORY C - COVID 19 ACJA SECTION	ADAMAWA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ADAMAWA ACJL
S.364 - Electronic recording of court proceedings	S.365	Same as ACJA
S.15(4) - Electronic/video recording of interrogations and confessions	S.17	Same as ACJA
S.232 - Use of virtual court hearing tools such as video conference in trials	S.233	Same as ACJA

AKWA IBOM STATE
ACJL AWAITING GOVERNORS ASSENT

ANAMBRA STATE

Comments

The ACJA is an improvement on the Anambra State ACJL, this may be due to the fact that the ACJA was enacted after the ACJL of Anambra state. Most of the innovative provisions of the ACJA as can be seen above are not provided for in the ACJL which is a shortfall of the National Minimum Standards and derails from the intention of the ACJA. The Anambra ACJL requires urgent amendment by the state legislature to bring it to parity with the ACJA. The onus is now on key Criminal Justice stakeholders in the state to take steps towards ensuring that the law is amended.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Anambra State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	ANAMBRA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ANAMBRA ACJL
S.106 - Abolition of lay prosecutions	S.160	S.160 of Anambra ACJL does not expressly abolish lay prosecution of offences. It only emphasized more on the power of Attorney General of the State to

		<p>prosecute and issue legal advice.</p> <p>There is a need to make express provision to abolish lay prosecutions under Anambra ACJL as contained in S.106 of ACJA</p>
S.7 - Prohibition of arrest in lieu of suspect	S.9(4)	<p>Contains similar provisions as ACJA. However, S. 9(4) of the ACJL is more detailed than ACJA. It states as follows:</p> <p>No person shall be arbitrarily arrested, or arrested on allegation that borders on civil breach of contract, but the arrest shall be based on reasonable suspicion that the person arrested committed or is about to commit a</p>

		criminal activity punishable as an offence under any law
S.5-No unnecessary restraint	S.8	Contains same provisions as ACJA. However, where it added by order of court, it also added “magistrate or Justice of peace”. This is not contained in ACJA
S.6 - Notification of reason of arrest	S.9	Same as ACJA. It is important to state that Anambra ACJL uses the word ‘person’ instead of ‘suspect’ all through the law.
S.8 -Human Treatment of suspect	S.9(2) and (3)	Same as ACJA

S.9-decency in search of persons and properties including search by same sex	S.10	Same as ACJA
S.10-mandatory inventory of properties of arrested person	S.10 (4) and (5), S.149	Contains similar provisions as ACJA. However, it distinguishes between how property of a person charged before court should be treated and how a property of a person that is not charged before court on the ground that there is no sufficient reason to believe that he has committed any offence should be treated.

S.15 - video recording of facilities for recording interrogation process and confessional statements -Mandatory inventory of data of arrested persons	S.13	<p>Similar with ACJA in some respect.</p> <p>S.13(2) of Anambra ACJL provides for video recording of statement of suspect and where there is no video recording facility, such statement shall be in writing in the presence of a private legal practitioner or any person of his choice.</p> <p>S.13 of the ACJL does not however provide for recording of particulars of the suspect as contained under S.15(1)(a) to (d) of ACJA</p>
S.16 - mandatory record of arrest and data of arrested persons and availability of	Nil	There is no provision for record of data of arrested

central criminal records at state and federal levels		<p>person under the Anambra ACJL.</p> <p>There is no provision for transmission of records to central criminal registry. There is no reference to central criminal registry in the Law. This is a great set back in Anambra ACJL.</p>
S.17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	S.13(1)	<p>S.13 of Anambra ACJL does not provide for interpreter as provided for under S. 17(3) of ACJA. However, S.13 of the ACJL provides for access to legal practitioner or any other person.</p>
S.33 - Police report to supervising magistrates	S.71	<p>Unlike what is contained in S.33 of AJCA which</p>

		<p>provides that report be made on last working day of every month to the nearest Magistrate the cases of all suspects arrested without warrant</p> <p>Anambra ACJL provides that:</p> <p>officers in charge of police stations shall make a quarterly report to the nearest magistrate the cases of all persons arrested without warrant within the limits of their respective stations whether such persons have been admitted to bail or not.</p>
S.34- Magistrate's oversight of police stations	Nil	No equivalent provision in Anambra ACJL
S.293-S.294 - Remand proceedings	S.132, S.133	S. 293(1) of ACJA and S. 132(1) of the ACJL contains

		<p>similar provision. However, while S.293(2) of ACJA provides that application for remand shall be made ex parte, S. 132(2) of Anambra ACJL does not specify if such application should be made ex parte or not. While remand proceeding in S. 134(1) Anambra ACJL shall not exceed 60 days, remand proceeding under 296(1) ACJA shall not exceed 14days.</p>
S.17(2), S.110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	Nil	<p>The nearest provision to this is S. 13(2) of Anambra ACJL. The Section does not however expressly provide or give room for engagement with National Human</p>

		rights Commission, Civil Society, and the public.
S.187 - Bondsmen engagement in bail management	Nil	<p>This is not represented in Anambra ACJL.</p> <p>This is a setback in the law.</p>
S.270 - Effective use of plea bargain	S.167	<p>Section 167 of Anambra ACJL is similar to section 270 of the ACJA. However, S.270 of ACJA has more detailed provisions than S.167 of Anambra ACJL.</p> <p>For instance, S. 270 of ACJA lists factors to consider on plea bargain in respect of public interest while S.167 of ACJL is silent about it.</p> <p>Also S. 270(7) of ACJA lists what should be contained in a plea bargain agreement between</p>

		<p>the defendant and prosecutor while such is not contained in Anambra ACJL. The equivalence of S.270(18) of ACJA which has been struck out by court is not also contained in Anambra ACJL</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
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S.306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	Nil	No equivalent provision under Anambra ACJL.
S.396(7) - Dispensation to elevated appellate justice to complete part-heard matters	Nil	<p>No equivalent provision under Anambra ACJL.</p> <p>(This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)</p>
S.376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	S.150, S.151	In S. 151 of Anambra ACJL, there is no stipulated time for the Attorney General to issue legal opinion to magistrate on whether a prima facie case has been established or not in a particular case. This is a clear divergence

		from the provision of S.376 (2) of ACJA
S.396(3) - Day to day trials	Nil	There is no equivalent provision in Anambra ACJL
S.396(4)-(5) - Restricted intervals of adjournments	Nil	There is no equivalent provision in Anambra ACJL
S.110 - Timeframe to commence and complete trials	S.121	There is no equivalent provision in Anambra ACJL
S.382 -Assignment of cases to court within 15days of filing (or within timeframe stipulated by state ACJL)	S.222	S. 222 of Anambra ACJL differs from S.382 in respect of the number days in which cases are meant to be assigned. While S.222 (3) of the ACJL provides that cases should be assigned to a judge within 7days of filing, S.382 (1) of ACJA provides that cases should be assigned to a judge within 15days of filing.

		<p>Also S.222(4) of the ACJL provides that after cases has been assigned, the appropriate court shall issue hearing notices to the witness and the defendant within 14 days</p> <p>While S.382 (2) of ACJA provides that after a case has been assigned, hearing notice shall be issued within 10 working days of the assignment.</p> <p>There is a clear distinction in respect of timeframe. Anambra ACJL give room for quick assignment and trial of cases more than ACJA especially in respect of issuance of hearing notice by the court. While ACJA specified that the</p>
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		<p>days of such issuance shall be working days, Anambra ACJL does not specify the days as working days. This is quick and will help to prevent delays in dispensation of justice.</p>
<p>S.246-S.254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses</p>	<p>S.125 -S.131</p>	<p>S.246 of ACJA and S.125 of ACJL contains similar provision. However, while S.246 of ACJA prescribes a fine not exceeding N10,000.00 or imprisonment for a term not exceeding two months as punishment for refusal of witness to attend court after summon is duly served on him without a reasonable cause.</p>

		<p>S.125 of ACJL on the other hand prescribes a penalty not exceeding N6,000.00 (six thousand naira) or imprisonment for any term not exceeding two months where witness refuses to do same.</p> <p>Also S.128 of ACJL provides that where any person appears before the court on summons, recognizance or by virtue of a warrant to give evidence against any person accused of any offence, the court may order payment in accordance with the provisions of any rules of court, of the costs and expenses of such witness together with</p>
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		<p>compensation for his inconvenience and loss of time.</p> <p>S.251-252 of ACJA contain similar provision as S. 128 of ACJL Anambra State.</p>
S.395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	S.233	Same as ACJA
S.319 - Compensation to victims of crime	S.385, S.386	<p>Provision for compensation under S.385 and 386 of Anambra ACJL is not exactly the same as ACJA.</p> <p>S.319 of ACJA looks more elaborate and detailed than S.385 and 386 of ACJL</p>
S.396(6) - Award of costs against defense and prosecution	Nil	There is no equivalent provision in Anambra ACJL.

		<p>However, S.130 of ACJL only provided for cost when adjournment is to be made where witness is present in court.</p> <p>S.130 of the ACJL provides that where a party requests for adjournment, amount payable to a witness shall be paid by the party requesting the adjournment to such witness.</p>
S.491 - Misconduct proceedings for violating the Act or Law	Nil	There is no equivalent provision in Anambra ACJL.
S.364 - Electronic recording of court proceedings	Nil	There is no equivalent provision in Anambra ACJL.
S.232 - Protection of witnesses including in economic and financial crimes cases	S.305(2), S.307(2)	Unlike S.232 of ACJA which gives a list of offences which may not be tried in open court, S.305 (2) and 307(2) of ACJL

		<p>does not give room for such.</p> <p>It gives discretion to court to make such decision and record the grounds upon which such decision is taken.</p>
S.328 – Wrongful conversion or detention of property and award of damages	S.395(1)	Same as ACJA
S.333 - Seizure or forfeiture of proceeds of crimes	S.411	Same as ACJA
S.111- Return by Controller General of Correctional Services to AG	S.49	<p>Unlike S.111 of ACJA which provides that the Comptroller-General of Prisons shall make returns every 90 days, there is no such provision to make returns in Anambra ACJL.</p> <p>However, S.49 of the ACJL enables the Commissioner of Police or Controller</p>

		<p>of Prison to make regulations in respect of registration of suspect, prescribe duties of officers in respect of convicts, suspects and persons detained or I custody awaiting trial.</p> <p>It also empowers them to make regulations for the purpose of giving effect to the objects and purposes of the law.</p>
S.401 - Sentencing guidelines	Nil	<p>There is no equivalent provision in Anambra ACJL.</p> <p>This is a great set back in the law.</p>
S.221 - Prohibition of objections during trials	S. 273	<p>S. 273 of the ACJL allows objections to a charge to be entertained immediately after charge has been read over to the defendant and not latter.</p>

		This is a clear departure from the provisions of the ACJA.
S.396(2) - Ruling of preliminary objections to charges deferred till judgment	S.274	<p>S. 274 of Anambra ACJL provides that no judgment shall be stayed or reversed on the ground of any objection which if stated after the charge was read over to the defendant or during the progress of the trial might have been amended by the court</p> <p>However, S.396(2) of ACJA provides that after the plea has been taken, the defendant may raise any objection to the validity of the charge or the information at any time before judgment provided that such objection shall only be</p>

		<p>considered along with the substantive issues and a ruling thereon made at the time of delivery of judgment.</p> <p>Both provisions look similar but couched in a different manner.</p>
S.469 - Functioning of Administration of Criminal Justice Monitoring Committee	Nil	There is no equivalent provision in Anambra ACJL.
S.187(1) and S. 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	Nil	There is no equivalent provision in Anambra ACJL.

CATEGORY B - (GESI) ACJA SECTION	ANAMBRA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ANAMBRA ACJL
9(3) Search by same sex	10(2)	<p>While S. 9(3) of ACJA provides for search by persons of the same sex, S. 10 of ACJL does not expressly use the word “same sex”. However, S. 10(2) of the ACJL expressly stated that whenever it is necessary to cause a woman to be searched, the search shall be made by another woman.</p> <p>Also S.10 of the ACJL does not have the exception which 9(3) of ACJA had which reads: “unless the urgency of the situation or the interest of due administration of justice makes it impracticable for the search to be carried out by a person of the same sex”.</p>

12(3) Search of private premises occupied by a woman	40(3)	Unlike S.12(3) of ACJA which mandates the person searching to give notice to the woman and afford her liberty to withdraw; S. 40(1) and (3) of Anambra ACJL does not mandate such or give the woman option to withdraw from the premises to be searched.
167(3) Women standing sureties for bail	77(3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	298	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	338 and 353	S.404 of ACJA and 338 of Anambra ACJL are not the same. While S.404 of ACJA provides that where a woman found guilty of a capital offence is pregnant, the sentence of death shall be passed on her but its

		<p>execution shall be suspended until the baby is delivered and weaned.</p> <p>S. 338 of the ACJL rather provides that the sentence of death shall not be passed on her but in lieu thereof she shall be sentenced to imprisonment for life.</p> <p>S.415 of ACJA and S.353 of ACJL contain similar provisions</p>
CATEGORY C – COVID-19 SECTION	ANAMBRA ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ANAMBRA ACJL
364 - Electronic recording of court proceedings	Nil	There is no equivalent provision in Anambra ACJL
15(4) - Electronic/video recording of interrogations and confessions	13 (2)	<p>Similar with ACJA in some respect.</p> <p>S.13(2) of Anambra ACJL provides for video recording of statement of suspect and where there is no video recording facility, such statement shall be in writing in the presence of a</p>

		<p>private legal practitioner or any person of his choice.</p> <p>S.13 of the ACJL does not however provide for audio visual means of recording as contained in S.15(4) of ACJA</p>
232 - Use of virtual court hearing tools such as video conference in trials	Nil	There is no equivalent provision in Anambra ACJL

BAUCHI STATE

Comments

The Bauchi State's ACJL has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA. On a general note, most of the provisions of Bauchi State ACJL are carbon copy of the ACJA.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Bauchi State in relation to the National Minimum Standards.

CATEGORY A (CRITICAL FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	-BAUCHI TOEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BAUCHI ACJL
106 - Abolition of lay prosecutions	100	Section 100 (1) of Bauchi ACJL has the same provision as ACJA, however, Section 100 (2) improves on ACJA by allowing Police officers to prosecute offences which are triable by any Magistrates' court. .

7 - Prohibition of arrest in lieu of suspect	4	Same as ACJA
5-No unnecessary restraint	2	Same as ACJA
6 - Notification of reason of arrest	3	Same as ACJA
8 -Human Treatment of suspect	5	Same as ACJA
9-decency in search of persons and properties including search by same sex	6	Same as ACJA
10-mandatory inventory of properties of arrested person	7	Same as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements -Mandatory inventory of data of arrested persons	12	Same as ACJA

16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	NIL	There is no provision for Criminal Records Registry in Bauchi State ACJL
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	13(4)	Same as ACJA
33 - Police report to supervising magistrates	29	Same as ACJA
34- Magistrate's oversight of police stations	30	Same as ACJA
293-294 - Remand proceedings	288 (1) and (2)	Same as ACJA
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	13(2), 104	13(2) of the Bauchi ACJL is almost identical to the ACJA, however the subsection did not include "Justice of Peace" as persons before whom a statement may be taken,

		<p>as provided for in S.17(2) of ACJA.</p> <p>There is no equivalent provision for section 110(7) of ACJA under Bauchi ACJL</p>
187 - Bondsmen engagement in bail management	181	Same as ACJA
270 - Effective use of plea bargain	264	<p>Section 264 is similar to section 270 of the ACJA but omitted section 270(2)(a) (c) of ACJA.</p> <p>Section 264(2) of the ACJL differs from S 270 (2) of the ACJA. S 274(2) of the ACJL removed the safeguards on the prosecutor's decision to engage in plea bargaining set out in 270(2) (a)(b) & (c) of the ACJA. This is an unexplainable weakness of the Bauchi ACJL which creates room for mismanagement of plea bargaining in the State.</p>

		<p>Every other provisions on plea bargain in Bauchi ACJL is consistent with the provisions under ACJA</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN</i> (2020 14 NWLR Pt 1745 479) struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	309	Same as ACJA

396(7) - Dispensation to elevated appellate justice to complete part-heard matters	390(7)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	370 (2)	Same as ACJA
396(3) - Day to day trials	390(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	390(4) and (5)	Same as ACJA
110 - Timeframe to commence and complete trials	104(4)	Same as ACJA
382 -Assignment of cases to court within 15days of filing (or within timeframe stipulated by state ACJL)	376	Section 376 of Bauchi ACJL has equivalent provision as S.382 of ACJA. It is also worthy to note that Bauchi ACJL

		employs the use of the word correctional centre which is different from the word prison as contained in ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	241 -248	Same as ACJA
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	389	Same as ACJA
319 - Compensation to victims of crime	313	Same as ACJA
396(6) - Award of costs against defense and prosecution	390(6)	Same as ACJA
491 - Misconduct for proceedings for violating the Act or Law	483	Same as ACJA

364 - Electronic recording of court proceedings	358	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	226	Same as ACJA
328 - Wrongful conversion or detention of property and award of damages	322	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	327	Same as ACJA
111- Return by Controller General of Correctional Services to AG	105	Same as ACJA
401 - Sentencing guidelines	395	Same as ACJA
221 - Prohibition of objections during trials	215	S. 215 of the ACJL allows objections to a charge to be entertained immediately after arraignment. This is a clear departure from the provisions of the ACJA.

396(2) - Ruling of preliminary objections to charges deferred till judgment	390(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	461	Same as ACJA
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	181(2) and 450	<p>Section 181 (2) is the same as ACJA</p> <p>However, the provision of Section 450 of Bauchi ACJL omits section 457(2) of ACJA which empowers the Chief Judge or President of National Industrial court to make appointment of probation officers.</p>
CATEGORY B (GESI) SECTION	-BAUCHI ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BAUCHI ACJL
9(3) Search by same sex	6(3)	Same as ACJA

12(3) Search of private premises occupied by a woman	9(3)	Same as ACJA
167(3) Women standing sureties for bail	161 (3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	185	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	398 and 409	Same as ACJA
CATEGORY C COVID-19 SECTION	-BAUCHI ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BAUCHI ACJL
364 - Electronic recording of court proceedings	358	Same as ACJA

15(4) - Electronic/video recording of interrogations and confessions	12(4)	<p>Same as ACJA, however, the word “retrievable video format” was used in Bauchi ACJL while under ACJA it reads “retrievable video compact disc”.</p> <p>The effect is that retrievable video format is broader in scope than retrievable compact disc. Bauchi ACJL gives room to accommodate advancement in technology especially in respect of video recording.</p>
232 - Use of virtual court hearing tools such as video conference in trials	226	Same as ACJA

BAYELSA STATE

Comments

The Bayelsa State's ACJL has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA. Generally, Bayesla ACJL do not have many sections that contain the minimum standard contained in the ACJA. It also falls short of sentencing guideline and several other innovative provisions as contained in ACJA.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Bayelsa State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	BAYELSA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BAYELSA ACJL
106 - Abolition of lay prosecutions	65, 66	S.65 and 66 of Bayelsa ACJL are not exactly the same as S.106 of ACJA. While ACJA expressly spell out persons that can undertake prosecution of offences, Bayelsa ACJL does not. It only provided that such person or public officer shall be subjected to general or specific direction as may be given by the Attorney-General of the State.

7 - Prohibition of arrest in lieu of suspect	5	Same as ACJA
5-No unnecessary restraint	3	Same as ACJA. S.3 of Bayelsa ACJL only added order of Judge, magistrate or Justice of the Peace,
6 - Notification of reason of arrest	4	Same as ACJA
8 -Human Treatment of suspect	Nil	No equivalent provision under Bayelsa ACJL
9-decency in search of persons and properties including search by same sex	6	<p>S.6 of Bayelsa ACJL makes necessary for the search of a woman to be done by another woman. It does not provide in respect of man or expressly make use of the word same sex.</p> <p>Which in effect could make a woman to search a man.</p> <p>Unlike S.9 of ACJA which provides for same sex search</p>

		except in case of urgency of situation.
10-mandatory inventory of properties of arrested person	6, 7	Contains similar provision as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	10(3) and 11(3)	Contains same provision as ACJA. However, S.10(3) Bayelsa ACJL provides that in the absence of video facility, the said statement shall be in writing and can be taken in presence of the legal practitioner of choice of such person.

16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	Nil	<p>There is no equivalent provision under Bayelsa ACJL.</p> <p>S.11(3) of the ACJL only provided that every law enforcement agency authorized by law to make arrest shall remit monthly to the office of the Attorney-General a record of all arrests made with or without warrant in relation to State Offences.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	10(3)	<p>S. 10(3) of Bayelsa ACJL is not as elaborate as S.17 of ACJA. The ACJL does not expressly provide that statement of a suspect could be taken in presence of Legal Aid officer of Nigeria, an official of Civil Society Organization or Justice of peace.</p> <p>It does not also make provision for interpreter in case the suspect cannot read or write in English language as contained in S. 17(3) of ACJA.</p>

33 - Police report to supervising magistrates	Nil	There is no equivalent provision in Bayelsa ACJL. However, S. 11(3) of the ACJL provides for that monthly report be made to the office of Attorney-General of the State.
34- Magistrate's oversight of police stations	Nil	No equivalent provision as ACJA
293-294 – Remand proceedings	266	Same as ACJA. However, unlike ACJA which provides that application for remand proceeding should be made ex parte, S.266 of Bayelsa ACJL does not contain such provision

17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	10(3)	<p>S. 10(3) of Bayelsa ACJL is not as elaborate as S.17 of ACJA. The ACJL does not expressly provide that statement of a suspect could be taken in presence of Legal Aid officer of Nigeria, an official of Civil Society Organization or Justice of peace which is contained in S.17(2) of ACJA.</p> <p>There is no equivalence of S.110(7) of ACJA in Bayelsa ACJL.</p>
187 - Bondsmen engagement in bail management	137	Same as ACJA
270 - Effective use of plea bargain	71	<p>Same as ACJA but words not exactly couched or framed as ACJA</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the</p>

		Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	275	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	392(8)	No equivalent provision as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	70	Unlike S. 376(2) of ACJA which provides timeframe within which the Attorney-General may issue legal advice. Section 70 of the Bayelsa ACJL does not provide timeframe.

		This is a setback in the law and will affect quick dispensation of justice.
396(3) - Day to day trials	Nil	No equivalent provision as ACJA
396(4)-(5) - Restricted intervals of adjournments	Nil	No equivalent provision as ACJA
110 - Timeframe to commence and complete trials	121	No equivalent provision as ACJA
382 -Assignment of cases to court within 15days of filling (or within timeframe stipulated by state ACJL)	254(2) and (3)	S. 254(2) of Bayelsa ACJL and S.382(1) of ACJA contains similar provision. 15 days for Chief Judge to assign cases. However, While S. 382(2) provides that Court shall issue notice of trial to parties within 10 working days, S. 254(3) of Bayelsa ACJL provides for issuance of notice of trial to parties within 14 days. They are also both similar in respect of period within which Registrar shall serve parties – 3 days.

246-254 Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	- 180-194	<p>S.180-194 of the ACJL and S.246-254 of ACJA contain similar provisions. However, they both differ as follows:</p> <p>While S.246 of ACJA prescribes a fine not exceeding N10,000.00 or to imprisonment for a term not exceeding two months for a witness who refuses or departs from premises of Court without leave of the Judge, S.180 of the ACJL prescribes a penalty of not exceeding five thousand naira, or to imprisonment for any term not exceeding two months.</p> <p>S. 190 of the ACJL specified that the Office of the Attorney-General shall be responsible for approving such reasonable expenses which is payable to a witness. S. 251 of the ACJA was silent on who is responsible for prescribing the reasonable expense payable to the witness.</p>
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395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	261	Same as ACJA
319 - Compensation to victims of crime	217,288	Contains similar provision as ACJA. But couched in a different manner.
396(6) - Award of costs against defense and prosecution	Nil	No equivalent provision as contained in ACJA. There is no cost to discourage frivolous adjournment under Bayelsa ACJL.
491 - Misconduct proceedings for violating the Act or Law	Nil	No equivalent provision as ACJA
364 - Electronic recording of court proceedings	Nil	No equivalent provision as ACJA
232 - Protection of witnesses including in economic and	Nil	No equivalent provision as contained in ACJA

financial crimes cases		
328 – Wrongful conversion or detention of property and award of damages	Nil	No equivalent provision as contained in ACJA
333 - Seizure or forfeiture of proceeds of crimes	293	Same as ACJA
111- Return by Controller General of Correctional Services to AG	Nil	No equivalent provision as contained in ACJA
401 - Sentencing guidelines	Nil	No equivalent provision as contained in ACJA
221 - Prohibition of objections during trials	157	Contains similar provision as ACJA but couched in a different manner
396(2) - Ruling of preliminary objections to charges deferred till judgment	157	Contains similar provision as ACJA but couched in a different manner

469 - Functioning of Administration of Criminal Justice Monitoring Committee	Nil	No equivalent provision as contained in ACJA
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	137, 355	<p>S.187(1) of ACJA and S. 137(1) of Bayelsa ACJL contain similar provision.</p> <p>However, S.355 of the ACJL gives more elaborate powers to the Chief Judge generally for carrying into effect the purposes of the ACJL</p>

CATEGORY B - (GESI) ACJA SECTION	BAYELSA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BAYELSA ACJL
9(3) Search by same sex	6 (1) and (2)	<p>S.6 (2) of Bayelsa ACJL makes it necessary for the search of a woman to be done by another woman. It does not provide in respect of man or expressly make use of the word same sex.</p> <p>Which in effect could make a woman to search a man.</p> <p>Unlike S. 9(3) of ACJA which provides for same sex search except in case of urgency of situation.</p>
12(3) Search of private premises occupied by a woman	8(3)	Same as ACJA
167(3) Women standing sureties for bail	117(3)	Same as ACJA

191-Married woman rights over her personal properties including against her spouse of customary marriage	143	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	304(2) and 313	<p>Unlike S.404 of ACJA which provides that where a woman found guilty of a capital offence is pregnant, the sentence of death shall be passed on her but its execution shall be suspended until the baby is delivered and weaned. S. 304(2) of ACJL provides otherwise. It provides that otherwise than death sentence, she shall be sentenced to life imprisonment.</p> <p>S.415 of ACJA and S.313 of the ACJL contains similar provisions.</p>

CATEGORY C – COVID-19 ACJA SECTION	BAYELSA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BAYELSA ACJL
364 - Electronic recording of court proceedings	Nil	No equivalent provision as contained in ACJA
15(4) - Electronic/video recording of interrogations and confessions	10(3)	<p>S.10(3) Bayelsa ACJL provides that in the absence of video facility, the said statement shall be in writing and can be taken in presence of the legal practitioner of choice of such person.</p> <p>S 15(4) of the ACJA uses the phrase “retrievable video compact disc or such other audiovisual means.” While S 10(3) provides that it may be recorded electronically on video facility or in the absence of video facility, shall be in writing.</p>
232 - Use of virtual court hearing tools such as video conference in trials	Nil	No equivalent provision as contained in ACJA

BENUE STATE

Comments

The Benue State's ACJL is a wholesale adoption of the ACJA. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Benue State in relation to the National Minimum Standards.

CATEGORY A (CRITICAL FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	-BENUE STATE TO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BENUE ACJL
106 - Abolition of lay prosecutions	110	Same as ACJA
7 - Prohibition of arrest in lieu of suspect	9	Section 9 of the Law is clear and leaves no room for ambiguity. It provides that “Nothing in this section and this law shall be construed as permitting a police officer, private person or officer of an agency to arrest a person by reason

		of consanguinity or affinity or association with the person alleged to have committed an offence”
5-No unnecessary restraint	7	Same as ACJA
6 - Notification of reason of arrest	8(1)	Same as ACJA
8 -Human Treatment of Arrested Persons	10	Same as ACJA
9-decency in search of persons and properties including search by same sex	11(3)	Similar to the ACJA. However, the ACJL added that the person conducting the search shall first be searched
10-mandatory inventory of properties of arrested person	12	Same as ACJA
15 - video recording & facilities for recording interrogation process and confessional	17	Same as ACJA

statements -Mandatory inventory of data of arrested persons		
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	18	Same as ACJA
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	19	Same as ACJA
33 - Police report to supervising magistrates	35	Same as ACJA
34- Magistrate's oversight of police stations	36	Same as ACJA
293-294 - Remand proceedings	295-301	Same as ACJA

17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	19(2) & 114(7)	Same as ACJA
187 - Bondsmen engagement in bail management		There is no provision for the engagement/registration of bondsperson in the Benue State ACJL
270 - Effective use of plea bargain	272	Same as ACJA
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	308	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	398(7)	Same as ACJA
376(2) - Timelines for issuance of legal advice/filing of information by the Attorney General	378(2)	Same as ACJA

396(3) - Day to day trials	398(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	398(4) & (5)	Same as ACJA
110 - Timeframe to commence and complete trials	114	Same as ACJA
382 -Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	384(1)	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	248-250	Same as ACJA
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	397	Same as ACJA
319 - Compensation to victims of crime	321	Same as ACJA

396(6) - Award of costs against defense and prosecution	398(6)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	493	Same as ACJA
364 - Electronic recording of court proceedings	366	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	234(3)	Same as ACJA
328 - Wrongful conversion or detention of property and award of damages	330	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	335	Same as ACJA
111- Return by Controller General of Correctional Services to AG	115	Same as ACJA
401 - Sentencing guidelines	403	Same as ACJA

<p>221 - Prohibition of objections during trials</p>	<p>223 & 398(2)</p>	<p>While S. 223 of the ACJL, which is the same as S. 221 of the ACJA prohibits the making of an objection on the grounds of an imperfect or erroneous charge during the proceeding or trial, Section 398(2) of the law allows objections to the validity of a charge after taking of plea.</p> <p>It is observed that trial commences after arraignment/plea taking.</p> <p>This contradiction also exist in the ACJA as the same provision is made under Section 396(2). These provisions clearly contradict themselves</p>
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396(2) - Ruling of preliminary objections to charges deferred till judgment	398(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	471 – 472	Same as ACJA.
490 & 457(2) -Exercise of powers of heads of court to make supplementary rules and guidelines	492	Same as ACJA

CATEGORY B (GESI) SECTION	-BENUE STATE ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BENUE ACJL
9(3) Search by same sex	11(3)	Same as ACJA.
12(3) Search of private premises occupied by a woman	14(3)	Same as ACJA
167(3) Women standing sureties for bail	171 (3)	Same as ACJA

191-Married woman rights over her personal properties including against her spouse of customary marriage	193	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	406 and 417	Same as ACJA

CATEGORY C – COVID-19 SECTION	BENUE STATE ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON BENUE ACJL
364 - Electronic recording of court proceedings	366	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	17(4)	Same as ACJA
232 - Use of virtual court hearing tools such as video conference in trials	234	Same as ACJA

**BORNO STATE IS YET TO PASS THE
ADMINISTRATION OF CRIMINAL JUSTICE LAW
(ACJL)**

CROSS RIVER STATE

Comments

The Cross River State ACJL (*apart from its provision on timeline for remand orders and the issuance of legal advice by the AG*) is principally an adoption of the provisions of the ACJA. There is need for more stakeholders' engagement to further brainstorm and develop the law to meet the minimum standard required for its enforcement. While the law is a good one, it is expected that the key Criminal Justice stakeholders would ensure that this law is optimally brought to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Cross River State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	CROSS RIVER STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON CROSS RIVER ACJL
106 - Abolition of lay prosecutions	105	Same as ACJA
7 - Prohibition of arrest in lieu of suspect	7	Same as ACJA
5-No unnecessary restraint	5	Same as ACJA
6 - Notification of reason of arrest	6(1)	Same as ACJA
8 -Human Treatment of Arrested Persons	8	Same as ACJA
9-decency in search of persons and properties including search by same sex	9(3)	Same as ACJA
10-mandatory inventory of	10	Same as ACJA

properties of arrested person		
15 - video recording & facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	17(2)	Same as ACJA
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	16	Same as ACJA
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17(1)	Although the provision of the ACJL is similar to the ACJA, it however, unlike the ACJA failed to involve the Legal Aid Council of Nigeria, CSOs and Justice of the Peace.

		<p>The Law in S. 17(1) merely provides that “where a suspect is arrested on allegation of having committed an offence and volunteers to make a statement, it shall be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, any other person of his choice”</p> <p>Although it may be argued that the expression “any other person of his choice” would also include the Legal Aid Council of Nigeria, the CSOs, etc, however, it is noted that the failure to specifically mention these bodies would discourage them from taking active steps to intervene whenever the need arises.</p>
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		The provision of the ACJA on this subject is more appropriate because it allows the Legal Aid Council of Nigeria, CSOs and the Justice of the Peace to intervene even without the prior consent of the person volunteering to make a statement.
33 - Police report to supervising magistrates	32	Same as ACJA
34- Magistrate's oversight of police stations	33	Same as ACJA
293-294 - Remand proceedings	290-295	The Cross River State ACJL is similar to the ACJA. However, the Cross River ACJL provides for a shorter timeline for remand order. In the first instance, the order shall be for a period not exceeding 7 days, and the case shall be

		returnable within the same period. Where an application is made showing good cause for a further extension, an order for further remand of the suspect may be made for a period not exceeding 7 days. See S. 293 of the Law.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	109(7)	Same as ACJA
187 - Bondsmen engagement in bail management	185	Same as ACJA
270 - Effective use of plea bargain	267	Same as ACJA
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	302	Same as ACJA

396(7) - Dispensation to elevated appellate justice to complete part-heard matters	392(7)	Same as ACJA
376(2) - Timelines for issuance of legal advice/filing of information by the Attorney General	15(4) & 372(2)	<p>The Cross River State ACJL broadened the subject of the Issuance of Legal advice by the Attorney General.</p> <p>Under S. 15(4) of the Law, the Commissioner of Police (upon receiving the record of arrest) shall transmit to the Office of the Attorney-General and Commissioner for Justice such records in relation to offences under the law of the State within one week of the arrest and the Office of the Attorney-General shall within one week of the receipt of the records of arrest provide the Commissioner of Police with legal opinion on the appropriate actions to</p>

		<p>be taken in respect of the State offences.</p> <p>Again, S. 372. of the Cross River State ACJL provides that – (1) Where an offence for which the magistrate court has no jurisdiction to try is proffered against a defendant, the police shall at the end of investigation submit the original case file to the office of the Attorney General: and (2) The Attorney General shall, within 14 days of receipt of the police case file, issue and serve his legal advice indicating whether or not there is a prima facie case against the defendant for which he can be prosecuted.</p>
396(3) - Day to day trials	392(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	392(4) & (5)	Same as ACJA

110 - Timeframe to commence and complete trials	109	Same as ACJA
382 -Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	378(1)	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	243-247	Same as ACJA
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	391	Same as ACJA
319 - Compensation to victims of crime	310	Same as ACJA

396(6) - Award of costs against defense and prosecution	392(6)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	488	Same as ACJA
364 - Electronic recording of court proceedings	360	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	230(3)	Same as ACJA
328 - Wrongful conversion or detention of property and award of damages	324	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	329	Same as ACJA
111- Return by Controller General of Correctional Services to AG	110	Same as ACJA

401 - Sentencing guidelines	397	Same as ACJA
221 - Prohibition of objections during trials	219 & 392(2)	<p>While S. 219 of the ACJL (which is the same as S. 221 of the ACJA) prohibits the making of an objection on the grounds of an imperfect or erroneous charge during the proceeding or trial, Section 392(2) of the law allows objections to the validity of a charge after taking of plea.</p> <p>It is observed that trial commences after arraignment/plea taking. This is a contradiction.</p> <p>This contradiction also exist in the ACJA as the same provision is made under Section 396(2).</p> <p>These provisions clearly contradict themselves</p>
396(2) - Ruling of preliminary objections to charges deferred till judgment	392(2)	Same as ACJA

469 - Functioning of Administration of Criminal Justice Monitoring Committee	466 – 467	Same as ACJA.
490 & 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	487	Same as ACJA

CATEGORY B - (GESI) ACJA SECTION	CROSS RIVER STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON CROSS RIVER ACJL
9(3) Search by same sex	9(3)	Same as ACJA.
12(3) Search of private premises occupied by a woman		NIL
167(3) Women standing sureties for bail	165 (3)	Same as ACJA
191-Married woman rights over her personal properties including against her	189	Same as ACJA

spouse of customary marriage		
400 and 415 Sentence of death of a pregnant woman to be suspended	406 and 411	Same as ACJA

CATEGORY C – COVID-19 ACJA SECTION	CROSS RIVER STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON CROSS RIVER ACJL
364 - Electronic recording of court proceedings	360	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	17(2)	Same as ACJA
232 - Use of virtual court hearing tools such as video conference in trials	230	Same as ACJA

DELTA STATE

Comments

The Delta State's ACJL has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA. Generally, The Delta State ACJL has elements which if implemented effectively can make Delta State Criminal Justice system one of the best in the country.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Delta State in relation to the National Minimum Standards.

CATEGORY A -DELTA (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	DELTA TOEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON DELTA ACJL
106 - Abolition of lay prosecutions	107	S. 106 of ACJA and S.107 of Delta ACJL contain similar provisions. However, Delta ACJL in Section 107(d) and (e) adds that a legal practitioner in the Nigeria Police Force; and any other person authorized by any law in the State can prosecute offences under such law.

7 - Prohibition of arrest in lieu of suspect	7	Same as ACJA
5-No unnecessary restraint	5	Same as ACJA
6 - Notification of reason of arrest	6	Same as ACJA
8 -Human Treatment of suspect	8	Same as ACJA
9-decency in search of persons and properties including search by same sex	9	Same as ACJA
10-mandatory inventory of properties of arrested person	10	Same as ACJA, however, Delta ACJL added a subsection to the provision. Section 10(8) provides that any person having interest in the property that a police officer under subsection (5) refuses to release may apply to any court having jurisdiction for the release of such property

15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	15	Same as ACJA
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	16	<p>S.16 (1) of Delta ACJL is equivalent to ACJA, however, some of the subsections of S.16 of the ACJL differ.</p> <p>S.16 (2) of Delta ACJL provide that the Registrar of the court where the offence is tried shall upon conclusion of the trial forward to the appropriate Police Division the judgment of the court within fourteen days.</p> <p>It further provides that it shall be the duty of the</p>

		<p>Divisional Police Officer to transmit same to the State Criminal Records Registry immediately upon receipt.</p> <p>Thereafter, it is the duty of the State Criminal Records Registry to transmit same to the Central Criminal Registry in Abuja within 10 days.</p> <p>S16(3) further strengthens the provision above by enabling the Judicial service commission to take necessary disciplinary measures in cases of default whether on part of the Registrar or default by the Divisional Police Officer.</p> <p>This is a commendable improvement of which is not contained in the ACJA.</p> <p>S.16(4) of the Delta ACJL also encourages forwarding of records by agency authorized by law to make arrest and take record to</p>
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		<p>forward same to the Criminal Records Registry at State Police Command on the first week of every month.</p> <p>It also provides for disciplinary measure to be taken in cases of default.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17	S 17 Delta ACJL is almost identical to the ACJA. S 17 (4) adds to the particulars an interpreter is expected to provide. Specifically, it adds that an interpreter shall state the language he interpreted to the suspect and state also that he read the statement to the suspect who appears to understand same before affixing his right thumb impression or signature.
33 - Police report to supervising magistrates	34	Same as ACJA

34- Magistrate's oversight of police stations	35	Same as ACJA
293-294 Remand proceedings	- 293, 294	<p>S.293 and 294 of Delta ACJL contain similar provisions as ACJA. However, 293(2)(c) and 293(3) of Delta ACJL improve on ACJA by providing that application for remand shall be made ex parte and shall be accompanied by the original or the certified true copy of the case file containing all the evidence the prosecution intends to rely on.</p> <p>This is commendable.</p> <p>S.293(3) of ACJL Delta State provides that where the court finds probable cause to remand the suspect to custody, the Registrar of the Court shall forward the case file to the Attorney General for legal advice and shall also serve a copy on the suspect.</p>

		There is no similar provision in ACJA. The effect of the provision of S. 293(3) of ACJL Delta is huge.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17, 111	S. 17(2) of Delta ACJL is the same as S. 17(2) of ACJA. 111(7) of Delta ACJL is the same as S.110(7) of ACJA
187 - Bondsmen engagement in bail management	187	Same as ACJA.
270 - Effective use of plea bargain	270	Same as ACJA The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is

		void to the extent of its inconsistency with the provisions of the Constitution.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	306	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	Nil	S. 396 of Delta ACJL contains similar provisions as ACJA but does not have the provision in 396(7) of ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of	376(2)	Same as ACJA

information by the Attorney General		
396(3) - Day to day trials	396(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	396(4) and (5)	Same as ACJA
110 - Timeframe to commence and complete trials	111	Same as ACJA
382 -Assignment of cases to court within 15days of filing (or within timeframe stipulated by state ACJL)	382	<p>Section 382 of Delta ACJL is similar to the ACJA, however there are some differences.</p> <p>Delta ACJL set a shorter time line for assignment of a charge.</p> <p>S. 382(1) of the ACJL provides that the Chief Judge shall take appropriate steps to ensure that a charge filed is assigned to a court for trial within 10 working days of its filing as</p>

		<p>against 15 working days prescribed by ACJA.</p> <p>S. 382(2) provides that notice of trial be issue to the witnesses and defendants within 7 workings days, while ACJA provided for the issuance of notice of trial to the witnesses and defendants within 10 working days.</p> <p>While service of the notice by Registrar under Delta ACJL is to be done within 5 working days, service of the notice is to be done within 3 working days under ACJA.</p>
246-254 Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	- 246-254	Same as ACJA

395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	395	Same as ACJA
319 - Compensation to victims of crime	319	Same as ACJA
396(6) - Award of costs against defense and prosecution	392(6)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	494	Same as ACJA
364 - Electronic recording of court proceedings	364	Same as ACJA
232 - Protection of witnesses including in economic and	232	Same as ACJA

financial crimes cases		
328 – Wrongful conversion or detention of property and award of damages	328	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	333	Same as ACJA
111- Return by Controller General of Correctional Services to AG	112	Same as ACJA
401 - Sentencing guidelines	401	Same as ACJA
221 - Prohibition of objections during trials	221	Same as ACJA
396(2) - Ruling of preliminary objections to charges deferred till judgment	396(2)	Same as ACJA

469 - Functioning of Administration of Criminal Justice Monitoring Committee	464	Same as ACJA
187(1) and 457(2)-Exercise of powers of heads of court to make supplementary rules and guidelines	187(1), 452(2)	Same as ACJA

CATEGORY B - DELTA (GESI) SECTION	DELTA ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON DELTA ACJL
9(3) Search by same sex	9(3)	Same as ACJA
12(3) Search of private premises occupied by a woman	12(3)	Same as ACJA
167(3) Women standing sureties for bail	167(3)	Same as ACJA

191-Married woman rights over her personal properties including against her spouse of customary marriage	191	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	404 and 411	<p>S. 404 of Delta ACJA differ from S.404 of ACJA. It provided that:</p> <p>Where a woman found guilty of a capital offence is pregnant, the sentence of death shall not be passed on her but the Court shall have regards to the provisions of Section 213 of the Child Rights Law of Delta State in considering the appropriate sentence</p> <p>This provision looks rather progressive than otherwise. S.415 of Delta ACJL contains similar provisions with S.415 of ACJA</p>

CATEGORY C – DELTA COVID-19 ACJA EQUIVALENT SECTION	DELTA ACJL SECTION	COMPARATIVE ANALYSIS COMMENTS ON DELTA ACJL
364 - Electronic recording of court proceedings	364	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	15(4)	<p>Same as ACJA. However, Delta ACJL adds a paragraph to S.15 (4) which states that: “provided that in the absence of video facility such statement shall be made in writing in the presence of any person of his choice.”</p> <p>This paragraph is not contained in S.15(4) of ACJA</p>
232 - Use of virtual court hearing tools such as video conference in trials	232	Same as ACJA

EBONYI

Comments

The Ebonyi State's ACJL has sections which improved on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards and derail from the intention of the ACJA. Generally, Ebonyi State ACJL has elements which if implemented effectively can make Ebonyi State's Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Ebonyi State in relation to the National Minimum Standards.

CATEGORY A (CRITICAL FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	-EBONYI TO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON EBONYI ACJL
106 - Abolition of lay prosecutions	181	The Ebonyi ACJL provides for lay prosecution in S. 181(1)(d) of the ACJL.
7 - Prohibition of arrest in lieu of suspect	8	Same as ACJA

5 - No unnecessary restraint	9	<p>S. 9 of the Ebonyi ACJL is slightly different from the ACJA provision –</p> <p>(i) It gives the Justice of the Peace the same powers as the courts in S. 9(a). This is expansive and commendable.</p>
6- Notification of reason of arrest	10	<p>S. 10 of the ACJL is different from the ACJA provision in the following respects-</p> <p>(a) S. 10(2) of the ACJL provides that a person arrested shall be accorded humane treatment and shall not be subjected to any form of torture or inhuman treatment. This provision is found in</p>

		<p>S. 8(1) and (2) of ACJA</p> <p>(b) S. 10(3) prohibits arbitrary arrest and arrest based on civil breach of contract.</p> <p>(c) 10(4) prohibits arrest of persons related to the suspect through consanguinity or affinity or association with the person alleged to have committed an offence.</p> <p>(d) S. 10(6) & (7) of the ACJL makes provisions for a person whose arrest is in violation of the ACJL or the Constitution to be entitled to compensation and damages as may be</p>
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		<p>determined by a court.</p> <p>In summary, Section 10 of the Ebonyi ACJL is more elaborate and improves on Section 6 of the ACJA.</p>
8 - Human Treatment of suspect	10(2) & (3)	Same as ACJA
9 - decency in search of persons and properties including search by same sex	11	<p>S 11(1) of the Ebonyi ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 of the ACJA It does not make any exception for situations of urgency or impracticability.</p>
10 - mandatory inventory of properties of arrested person	12	<p>The ACJL provision is almost identical to the ACJA provision but it does not include the proviso to S 10(2) of</p>

		<p>the ACJA which states that failure of the arrested suspect to sign the inventory shall not invalidate it. The ACJL simply states in S 12(2) that the inventory shall be signed by the police officer and the arrested person.</p>
<p>15 - video recording or facilities for recording interrogation process and confessional statements -Mandatory inventory of data of arrested persons</p>	<p>16(1) & 17(2)</p>	<p>S. 16 of the Ebonyi ACJL is similar to the ACJA but adds a key provision which greatly improve the recording of arrests.</p> <p>S. 16 (1)(d)(iv) includes the recording of DNA (whenever possible) and such other means of identification of a suspect.</p> <p>S 15(4) of the ACJA makes provision for the recording of a suspect's voluntary confessional</p>

		<p>statement electronically on a retrievable video compact disc or such other audio visual means This provision is contained in Section 17(2) of the Ebonyi ACJL which included a proviso that where electronic or video recording is not available, then the statement shall be in writing and in the presence of a legal practitioner who shall witness and endorse his full particulars thereof as provided in S. 17(3). The ACJL provision makes it mandatory for a legal practitioner or any person of the suspect's choice to be present unlike the S. 17(2) of ACJA which uses the phrase "such statement may be taken in the presence of a legal practitioner of his choice..." It is</p>
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		submitted that the Ebonyi ACJL is a better law and a step in the right direction which will address issues of voluntariness or otherwise of statements and confessional statements.
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	18	S 18(2) of the Ebonyi ACJL significantly deviates from Section 16(3) of the ACJA by providing that it is the duty of the Chief Registrar to transmit the decision of the court in all criminal trials to the CCRR and further provided in S. 18(3) that where the Chief Registrar defaults in transmitting the records within 30 days of delivery of the judgment, he shall be liable to appropriate disciplinary measures by

		<p>the Judicial Service Commission.</p> <p>S. 16(3) of the ACJA imposes the duty of transmitting the records on the Police and did not make any provision for disciplinary actions where there is default. It is submitted that the ACJL provision is a better law and huge step forward in criminal justice administration for the following reasons:</p> <p>(a) It is far more convenient and time-saving for the Chief Registrar to compile and transmit the records to the CCRR compared to the Police who will have to apply</p>
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		<p>for same to the Chief Registrar.</p> <p>(b) It provides for disciplinary measures where there is non-compliance.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17(4)	<p>S 17(4) of the Ebonyi ACJL is almost identical with the ACJA S. 17(2) but deviates as follows:</p> <p>(a). S 17 (4) makes it mandatory for the statement or its endorsement as in subsection (2) to be made in the presence of the officer in charge of the Human Rights Desk where available or a superior police officer in the</p>

		<p>absence of a Human Rights Desk Officer. The ACJA in S. 17(2) made this voluntary with the use of the word “may”</p> <p>(b) S. 17(4) OF ACJL does not provide that the statement be taken in the presence of officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace as provided in S. 17(2) of ACJA. It is submitted that this is a restrictive provision for legal support</p>
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		<p>which ought not to be.</p> <p>S. 17(5) of the Ebonyi ACJL is almost identical to 17(3) of ACJA but provides that the interpreter must be of the suspect's choice. The ACJA provision simply states that an interpreter shall record and read over to the suspect but did not make any provision as to choice of engaging an interpreter an exclusive reserve of the suspect.</p>
33 - Police report to supervising magistrates	34	Same as ACJA
34- Magistrate's oversight of police stations	35	Same as ACJA
293-294 - Remand proceedings	223, 224	S.223 of the ACJL deviates from S. 293 of the ACJA significantly as follows:

		<p>(a) S. 223 of the ACJL makes it explicitly clear that a Magistrate has no jurisdiction to grant bail during remand Proceedings by using the phrase “an offence which the magistrate has jurisdiction to grant bail” unlike the ACJA in S. 293 that simply states that where the Magistrate has no jurisdiction to grant bail, thereby creating an ambiguity as to whether a Magistrate can grant bail or not where he has no jurisdiction to try the offence.</p> <p>(b) S. 223 of the Ebonyi ACJL introduced new subsections (3) & (4) as safeguards to abuse of remand proceedings by the police who in its usual practice obtain remand orders and dump suspects in custodial centers</p>
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		<p>without taking steps to charge the suspects to court. The ACJL provides that no application for remand shall be entertained if it is not accompanied by the original case file which will be transmitted by the Magistrate to the Director of Public Prosecutions for legal advice.</p> <p>These innovative provisions of the ACJL are worthy of being introduced into the ACJA.</p>
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17(4), 179	<p>S 17(4) of the Ebonyi ACJL is almost identical to the ACJA S. 17(2) but deviates as follows:</p> <p>(a). S 17 (4) makes it mandatory for the statement or</p>

		<p>its endorsement as in subsection (2) shall be made in the presence of the officer in charge of the Human Rights Desk where available or a superior police officer in the absence of a Human Rights Desk Officer. The ACJA in S. 17(2) did not make this mandatory and uses the word “may”</p> <p>(b) S. 17(4) of the ACJL does not provide that the statement be taken in the presence of officer of the Legal Aid Council of</p>
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		<p>Nigeria or an official of a Civil Society Organization or a Justice of the Peace as provided in S. 17(2) of ACJA. It is submitted that this is a restrictive provision for legal support which ought not to be.</p> <p>S. 179 of the Ebonyi ACJL does not include the provision contained in S. 110(7) of the ACJA to the effect that the ACJMC shall consider all returns made to the Chief Judge pursuant to subsections (4) & (5) of S. 110 for the purpose of ensuring expeditious disposal of cases and the right of access to the returns on request by the NHRC.</p>
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187 - Bondsmen engagement in bail management	118	S. 118 of the ACJL is similar to Section 187 of the ACJA but introduces paragraphs (b), (c) and (d) to subsection (8) thereby broadening the scope of the conditions under which the registration of a bonds person shall be withdrawn. This is an improvement on the ACJA provision.
270 - Effective use of plea bargain	367	<p>Section 367 is similar to section 270 of the ACJA but differs as follows.</p> <p>1) The lack of the equivalent of Section 270 (18) of the ACJA which prevent appeals to superior courts on matters resolved by plea bargain can be explained by the decision of the Court of Appeal Iboyi Kelly V FRN (2020 14 NWLR PT</p>

		<p>1745 479) striking down the section following the promulgation of the ACJA.</p> <p>2) Section 367(15) of the ACJL provides that no plea bargain agreement shall be entered into without the written consent of the Attorney General or an officer in his department authorized by him. The section went further to exclude the application of plea bargain to a charge of murder, kidnapping, armed robbery, rape, defilement, sexual assault or terrorism. The ACJA does not have this provision and it submitted the ACJL have improved the ACJA provision.</p>
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		<p>3) Section 367(14)(b) of the ACJL is more elaborate than S. 270(2) by adding that a suspect makes restitution to the victim or his representative in crimes against property and offences against public funds by public officers.</p> <p>4) Subsection (7) of Section 367 of the ACJL adds a proviso to the effect that a judge or magistrate may be approached by Counsel as to the contents of the discussions and he may inform them in general terms of the possible advantages of discussions, possible sentencing options or the acceptability of the proposed</p>
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		agreement. The ACJA in Subsection (8) of Section 270 did not have this provision. It is submitted that the proviso to the ACJL Subsection is contradictory in nature and the ACJA subsection is a better law.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	383	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	NIL	No identical or equivalent provision in the ACJL although this provision has been held to be null and void by the Supreme Court.
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	235(2)	Same as ACJA
396(3) - Day to day trials	258(2)(a)	Same as ACJA

<p>396(4-5) - Restricted intervals of adjournments</p>	<p>258(2) (b)</p>	<p>Almost identical to S. 396(4) of the ACJA but provides that each party shall not be entitled to more than two adjournments and there shall not be more than two adjournments at the instance of the court which shall not exceed 14 days interval.</p> <p>Section 258 does not have a similar provision to subsection (5) of 396 of ACJA that allows the court to adjourn the matter for periods not exceeding 7 days where it is impracticable to conclude the trial after parties have exhausted their 5 adjournments. The lack of this provision in the ACJL presupposes that the timeline given by the ACJL to conclude trials are impracticable considering challenges facing justice</p>
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		administration in Nigeria.
110(3) - Timeframe to commence and complete trials	179(3)	Same as ACJA
382(1)– Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL	239(3)	Section 239(3) provides that the Chief Judge shall take appropriate steps within 7 days from the date of filing for the charge to be assigned to a court for trial. The ACJA provides for 15 working days.
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	145 -156	S 145-156 of the ACJL is almost identical to S 246-254 of the ACJA. It differs as follows: (a) Section 146 also differs from Section 247 by introducing a proviso to the effect that a witness may only be punished for non-attendance only when he

		<p>has been paid his witness allowances if he is a witness for the state.</p> <p>(b) Introduction of Section 152 which establishes witness support unit and witness expenses fund.</p>
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	257(1)	Same as ACJA
319 - Compensation to victims of crime	440	Same as ACJA save for the proviso to Subsection 3 of Section 440 of the ACJL that states that the court must be satisfied that the convict shall pay

		the compensation.
396(6) - Award of costs against defense and prosecution	258(2)(c)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law		No identical or equivalent provision in the ACJL.
364 - Electronic recording of court proceedings	207	Section 207 of ACJL is almost identical with 364 of the ACJA. It differs from the ACJA by stating that the court proceedings in addition to being recorded manually, may be recorded in “other device”. The ACJA is expressly clear by providing for electronic recording.
232 - Protection of witnesses including in economic and financial crimes cases	335	Same as ACJA.

328 – Wrongful conversion or detention of property and award of damages	454	Similar to S. 328 of ACJA but went a step further by creating a proviso to the effect that the value of such property and the number of damages awarded shall not together amount in value to two hundred thousand naira.
333 – Seizure or forfeiture of proceeds of crime	485	Same as ACJA
111- Return by Controller General of Correctional Services to AG	182	Section 182 does not improve the ACJA because it does not have a subsection (3) of the ACJA which provides that the recipient of the returns shall take necessary steps to

		address the issues raised in the return.
401 - Sentencing guidelines	Nil	<p>(a) Section 392 of the Ebonyi ACJL has similar provisions to 401 of ACJA and can be used to achieve the same goal of sentencing guidelines. It omits the provisions of the ACJA in Paragraphs (a), (b), (d), (e), (F), (g) of subsection (2) of Section 401 and uses the word “reformation” in place of “rehabilitation” as provided S. 401(2)(c) of the ACJA.</p> <p>(b) Section 392(2)(j) of the ACJL also provides that sentencing to a term of imprisonment shall apply only to offenders who should be isolated</p>

		from society and with whom other forms of punishment have failed or is likely to fail. The ACJA does not have this provision
221 - Prohibition of objections during trials	317	Same as ACJA
396(2) - Ruling of preliminary objections to charges deferred till judgment	258(1)(a)	<p>S. 258(1)(a) of the ACJL is similar to 396(2) of the ACJA but differs as follows:</p> <p>(a) Unlike the ACJA it provides that preliminary objections to a charge be taken before plea is taken after which all other objections shall be considered during final written address. It is more explicit than the ACJA which only states that after the plea has been taken the defendant may raise objections which will be determined along with the substantive</p>

		<p>judgment and did not expressly state that the defendant may raise objections to the charge before taking his plea. The ACJL provision is an improvement on the ACJA.</p> <p>(b) The ACJL went a step ahead in improving the ACJA by providing in S. 258(1)(b) that any interlocutory appeal in respect of an objection taken before plea shall not operate as a stay of proceedings in the trial court.</p>
469 - Functioning of Administration of Criminal Justice Monitoring Committee	538	<p>Section 538 of the ACJL is almost identical to the ACJA but adds to the list of committee members of the ACJMC and is called The Justice Sector Reform Team. It adds the position of the President, Customary Court of Appeal, a Judge of the Customary</p>

		Court of Appeal, Respected private legal practitioner, Chief Registrar of the High Court and Customary Court, Director, Citizens' Rights and Mediation Centre and Officer in Charge of community policing etc. The ACJL provides for a term of 4 years in office renewable only once but the ACJA does not have this provision.
187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	118(1) and 462(5)	Same as ACJA

CATEGORY B (GESI) SECTION	-EBONYI ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON EBONYI ACJL
9(3) Search by same sex	11	S 11(1) of the Ebonyi ACJL makes it compulsory for the search of a suspect to be

		made decently by a person of the same sex. Unlike S9 of the ACJA It does not make any exception for situations of urgency or impracticability.
12(3) Search of private premises occupied by a woman		No similar provision in the ACJL.
167(3) Women standing sureties for bail	96(3)	Same as ACJA
191 Married woman rights over her personal properties including against her spouse of customary marriage	345	S 345 of the ACJL is similar to S. 191 of the ACJA but omitted the phrase “security of her person” as used by S. 191 of the ACJA.
404 and 415 Sentence of death of a pregnant woman to be suspended	397 and 410	S. 397 of the ACJL is similar to S. 404 of the ACJA but provides for substitution of death sentence with life imprisonment after six months of child birth where the convict is

		<p>pregnant while the ACJA Section provides for suspension of execution.</p> <p>S. 410 of ACJL is also similar 415 of the ACJA but introduces a new subsection (4) to the effect that a finding of a court that she is not pregnant and therefore liable to be executed in line with subsection (3) is appealable to the Court of appeal.</p>
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CATEGORY C COVID 19 SECTION	-EBONYI ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON EBONYI ACJL
364 - Electronic recording of court proceedings	207	Section 207 of ACJL is almost identical with 364 of the ACJA. It differs from the ACJA by stating that the court proceedings in addition to be recorded manually, may be recorded in “other

		device”. The ACJA is expressly clear by providing for electronic recording.
15(4) - Electronic/video recording of interrogations and confessions	17(2)	S 15(4) of the ACJA makes provision for the recording of a suspect’s voluntary confessional statement electronically on a retrievable video compact disc or such other audio visual means This provision is contained in Section 17(2) of the Ebonyi ACJL which included a proviso that where electronic or video recording is not available, then the statement shall be in writing and in the presence of a legal practitioner who shall witness and endorse his full particulars thereof as provided in S. 17(3). The ACJL provision makes it mandatory for a legal practitioner or

		any person of the suspect's choice to be present unlike the S. 17(2) of ACJA which uses the phrase "such statement may be taken in the presence of a legal practitioner of his choice..." It is submitted that the Ebonyi ACJL is a better law and a step in the right direction which will address issues of voluntariness or otherwise of statements and confessional statements
232 - Use of virtual court hearing tools such as video conference in trials	335	Same as ACJA.

EDO STATE

Comment

The Edo State's ACJL can be said to be a complete replica of the ACJA with minor modifications. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA. A quick example is the lacuna found in section 33 of the law. Generally, the Edo state ACJA has few innovative provisions. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Edo State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO CRIMINAL JUSTICE) SECTION	EDO STATE ACJA SECTION	COMPARATIVE ANALYSIS COMMENTS ON EDO ACJL
106 - Abolition of lay prosecutions	106(d)	The Edo State ACJL retained the practice of lay prosecution. Thus, a police officer or any other officer authorized by any law of the state or an Act of the National Assembly may institute and prosecute criminal cases in Edo state.
7 - Prohibition of arrest in lieu of suspect	7	Same as ACJA

5-No unnecessary restraint	5	Same as ACJA
6 - Notification of reason of arrest	6	The Edo State ACJL made further improvement on the ACJA by providing in S. 6(3) that “the authority having custody of the suspect shall have the responsibility of notifying the next of kin or relative of the suspect of the arrest at no cost to the suspect. Provided that where the suspect refuses to disclose the nature or address or other means of reaching his next of kin or relative, the authority having custody of him shall be discharged from this responsibility”
8 -Human Treatment of Arrested Persons	8	Same as ACJA
9-decency in search of persons and properties including search by same sex	9	Same as ACJA

10-mandatory inventory of properties of arrested person	10	Same as ACJA
15 - video recording & facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	15	Same as ACJA
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	16	Same as ACJA

17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17	S17 of the Edo State ACJL makes further improvement to the ACJA. It provides under S.17(3) that “it shall be the responsibility of the officer recording the statement of the arrested suspect to bring to his notice his right under the section(sic) but it shall be the responsibility of the suspect to elect and decide on the legal practitioner or such other person to witness the recording of his statement provided that where the suspect does not so elect and decide, his statement may be taken without any such person”
33 - Police report to supervising magistrates	33	S. 33 of the Edo state ACJL is limited because, unlike the ACJA, the law failed to provide the form and content of the report; what or how the magistrate is to deal with the report upon receiving same from the police officer in charge of a station; and what happens in the event of non-compliance.

		This lacuna therefore makes this provision mere discretionary and cosmetic, because its implementation is rather not feasible.
34- Magistrate's oversight of police stations	34	Same as ACJA
293-299- Remand proceedings	293-299	Same as ACJA
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17(2), 110(7)	Same as ACJA
187 - Bondsmen engagement in bail management	187	Same as the ACJA
270 - Effective use of plea bargain	270	S. 270 of the Edo State ACJL made more improvement to the ACJA by the introduction of a new subsection - 270(17). Section 270(17) of the law provides that “(a) in all cases

		<p>where plea bargain is entered into between the prosecution and the defendant as provided for in the section, the prior consent of the Attorney-General must(sic) be sought and obtained, and;</p> <p>(b) the Attorney-General shall give directives either of a general or specific nature on the procedure for obtaining his consent pursuant to paragraph (a) of subsection (17) and such directive shall be published in a gazette.”</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
306 - Abolition of stay of criminal trial proceedings	306	Same as ACJA

on account of interlocutory appeal		
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	396(7)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timelines for issuance of legal advice/filing of information by the Attorney General	376(2)	Same as ACJA
396(3) - Day to day trials	396(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	396(4) and (5)	The Edo State ACJL provides that S.396(4) is subject to the provision of S.396(5). The implication being that subsection (4) is not absolute. Parties may still be entitled to more adjournments after exhausting the limits stated in subsection (4). However, the interval for such subsequent adjournments

		SHALL NOT exceed 7 days inclusive of weekends.
110 - Timeframe to commence and complete trials	110	Same as ACJA
382 -Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	382	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	246-254	Same as ACJA
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	395	Same as ACJA

319 - Compensation to victims of crime	319	Same as ACJA
396(6) - Award of costs against defense and prosecution	396(6)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	491	Same as ACJA
364 - Electronic recording of court proceedings	364	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	232	Same as ACJA
328 - Wrongful conversion or detention of property and award of damages	328	Same as ACJA
333 - Seizure or forfeiture of	333	Same as ACJA

proceeds of crimes		
111- Return by Controller General of Correctional Services to AG	111	Same as ACJA, save that the returns in the law are made to the Chief Judge of the State and the Attorney-General of the State.
401 - Sentencing guidelines	401	Same as ACJA
221 - Prohibition of objections during trials	221	<p>Same as ACJA</p> <p>However, S. 221 of the ACJL, which is the same as S. 221 of the ACJA prohibits the making of an objection on the grounds of an imperfect or erroneous charge during the proceeding or trial, Section 396(2) of the law allows objections to the validity of a charge after taking of plea.</p> <p>It is observed that trial commences after arraignment/plea taking.</p> <p>This contradiction also exist in the ACJA as the same provision is made under Section 396(2).</p> <p>These provisions clearly contradict themselves.</p>

396(2) - Ruling of preliminary objections to charges deferred till judgment	396(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	469	The law made improvements by adding other officers to the committee like “the executive director of the office of the public defender or his representative not below the rank of a director” .
490 & 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	475	Same as ACJA
CATEGORY B - EDO STATE COMPARATIVE ANALYSIS (GESI) ACJA EQUIVALENT COMMENTS ON EDO ACJL SECTION		
9(3) Search by same sex	9(3)	Same as ACJA.
12(3) Search of private premises occupied by a woman	12(3)	Same as ACJA

167(3) Women standing sureties for bail	167(3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	191	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	404 and 415	Same as ACJA
CATEGORY C – COVID-19 ACJA SECTION	EDO STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON EDO ACJL
364 - Electronic recording of court proceedings	364	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	15(4)	Same as ACJA

232 - Use of virtual court hearing tools such as video conference in trials	232	Same as ACJA
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EKITI STATE

Comment

The ACJA is an improvement on the Ekiti State ACJL, this may be due to the fact that the ACJA was enacted after the ACJL of Ekiti state. Most of the innovative provisions of the ACJA like Section 396(3), (4) and (5) and 469 etc. as can be seen above are not provided for in the ACJL which is a shortfall of the National Minimum Standards and derails from the intention of the ACJA. The Ekiti ACJL requires urgent amendment by the state legislature to bring it to parity with the ACJA. The onus is now on key Criminal Justice stakeholders in the state to take steps towards ensuring that the law is amended.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Ekiti State in relation to the National Minimum Standards.

CATEGORY A (CRITICAL FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	-EKITI TOEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON EKITI ACJL
106 - Abolition of lay prosecutions	252(1)	Section 252(1) of the ACJL has similar provisions to Section 106 of the ACJA but unlike the ACJA did not expressly abolish lay prosecution.
7 - Prohibition of arrest in lieu of suspect	4	Same as ACJA

5 - No unnecessary restraint	2	The Ekiti ACJL uses the phrase “shall not” be handcuffed, bound or subjected to restraint but the ACJA uses the phrase “may not”. It is submitted that the ACJL provision is a better law because it is clear and leaves no room for ambiguity or conjecture.
6- Notification of reason of arrest	3	Same as ACJA save for the proviso to Section 6(2)(c) of the ACJA that mandates the authority having custody of the arrested person shall notify the Next of kin or relative of the suspect at no cost to the suspect.
8 - Human Treatment of suspect	12	The ACJL provision restricts the applicability of this provision to arrest by private persons alone and is silent on whether or not it applies to

		police officers and other law enforcement agencies.
9 - decency in search of persons and properties including search by same sex	5	S 5(2) of the Ekiti ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 the ACJA It does not make any exception for situations of Urgency or impracticability.
10 - mandatory inventory of properties of arrested person	6	S. 6 of the Ekiti ACJA is almost the same as ACJA but makes no provision for the person arrested to sign the inventory.
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory	9	S 9 of the Ekiti ACJL is similar to the ACJA but omits key provisions -. S. 9 does not include the recording of the

<p>of data of arrested persons</p>		<p>alleged offence, date and circumstances of arrest, full name and residential address, height, photograph, fingerprint impressions and such other means of identification of a suspect. It also did not give a time frame for the recording as provided by ACJA.</p> <p>S 9(3) of the Ekiti ACJL has similar provisions to S. 15(4) of ACJA.</p> <p>S 15(4) of the ACJA uses the phrase “retrievable video compact disc or such other audio-visual means.” While S 9(3) uses the phrase “recorded on video”</p>
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16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	Nil	No equivalent provision but S. 10(3) of the ACJL has some resemblance to S. 16 of the ACJA and provides that: The Commissioner of Police shall remit to the Office of the Attorney-General a record of all arrests made with or without a Warrant in relation to State Offences within one week of the arrest.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	3	S. 3 of the Ekiti ACJL is similar to S. 17 of the ACJA but has no provisions for an interpreter as provided for in S. 17(3) and (4) of the ACJA.
33 - Police report to supervising magistrates	20	Section 20 of the Ekiti ACJL differs from the ACJA as follows: It provides that officers in charge of

		<p>Police Station shall report to the nearest Magistrate within <u>three days</u> of arrest a record of the cases of all persons arrested without warrant within the limits of their respective station. It is pertinent to note that the ACJA provides for the report to be made on the <u>last working day of every month</u> which is about one month. The ACJL provision is a better law because it aids speedy dispensation of justice which is one of the major goals of criminal justice administration.</p>
34- Magistrate's oversight of police stations	-	No equivalent provision

293-294 - Remand proceedings	264(1) & (2)	Same as ACJA
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	3(3)	<p>Section 3(3) of the ACJL is similar to 17(2) of the ACJA but does not include the proviso in the ACJA provision to the effect that the legal practitioner or any other person present shall not interfere with the making of the statement.</p> <p>The ACJL has no equivalent provision of Section 110(7) of the ACJA</p>
187 - Bondsmen engagement in bail management	138	<p>Same ACJA but adds a new provision in S. 138(8) as follows:</p> <p>“Every Bondsperson shall have the powers to arrest any defendant or suspect who is absconding or who he believes is trying</p>

		<p>to evade or avoid appearance in Court; if he cannot bring the person arrested within twelve (12) hours of the arrest before a Court, he shall hand the person arrested over to the Police who shall produce such person before the appropriate Court”.</p> <p>The above provision is commendable and is captured in S. 188 of the ACJA.</p>
270 - Effective use of plea bargain	75, 76	<p>Section 76 is similar to section 270 of the ACJA but diverges as follows.</p> <p>5) Section 76 of the ACJL does not include the provisions of section 270 (17) and (18) of the ACJA.</p> <p>6) The lack of section 270 (17) which</p>

		<p>protects against double jeopardy is mitigated by Section 173 of the Ekiti ACJL which states that <u>a Defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been convicted for or acquitted of an offence by a competent Court other than the offence charged.</u></p> <p>7) The lack of Section 270 (18) which prevent appeals to superior courts on matters resolved by plea bargain is in consonance with the decision of the Court of Appeal <i>Iboyi Kelly V FRN (2020 14 NWLR PT 1745 479)</i> striking down the</p>
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		<p>section following the promulgation of the ACJA.</p> <p>8) Section 76 of the ACJL also differs from S 270 of the ACJA. S 76 of the ACJL removed the safeguards on the prosecutor's decision to engage in plea bargaining set out in 270(2)(a)(b) & (c) of the ACJA. This is an unexplainable weakness of the Ekiti ACJL which creates room for mismanagement of plea bargaining in the State.</p> <p>9) Section 76 of the Ekiti ACJL does not contain an equivalent of the proviso to S. 270(5) of the ACJA. The said proviso laid down the factors the prosecution shall</p>
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		weigh in determining whether a plea agreement is in the public interest. Again, this is an unexplainable weakness of the Ekiti ACJL which creates room for mismanagement and abuse of the process.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	273	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	Nil	No similar provision (This provision of the ACJA has been struck down by the Supreme Court, there is a possibility it will be restored by Legislative action)

376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	74	S. 74 of the Ekiti ACJL is similar to S. 376 but does not provide a timeline for the issuance of the Attorney-General's legal advice. This is a shortfall in the ACJL and may work against the speedy dispensation of justice.
396(3) - Day to day trials	Nil	No similar or equivalent provision
396(4-5) - Restricted intervals of adjournments	Nil	No similar or equivalent provision
110 - Timeframe to commence and complete trials	78	S. 78 of the Ekiti ACJL is similar to S. 110 of the ACJA but does not provide a timeline for the commencement of trial after filing a charge as stipulated in S. 110(3) of the ACJA. Again, this is a shortfall in the ACJL that requires amendment.

382(1) – Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL	252(2)	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	181-194	<p>S.181-183 and 190 of the ACJL is identical to S 246-248 & 250 of the ACJA.</p> <p>S 184-187 of the ACJL introduces new provisions for the attendance of a witness bound by recognizance, warrant for his arrest upon default and a fine of N5,000 as provided in S. 187 for default of compliance with S 185 and 186.</p> <p>Sections 188 and 189 of the ACJL provides for the issuance and service of writs of subpoena on a witness to compel his attendance in court. This provision,</p>

		<p>although, not expressly provided for in the ACJA has already been captured in Section 246 of the ACJA because a subpoena to a witness from court is a summons to that witness. It is submitted that this provision of the ACJL is unnecessarily a surplus.</p> <p>Sections 191-194 of the ACJL is identical to Sections 251-254 of the ACJA but S. 194 slightly differs by providing that the amount of expenses and compensation payable to a witness shall be paid out of general revenue to the witness by the Accountant-General of the State while Section 254 of the ACJA provides for the amount to be</p>
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		paid out of the relevant vote as appropriated by the judiciary.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	259	Same as ACJA
319 - Compensation to victims of crime	289	Section 289 of the ACJL is not explicit as Section 319 of the ACJA. The ACJL simply states in Subsection (1) of Section 289 that the victim may refuse, compensation or accept it but that where he accepts it or the defendant is imprisoned for non-payment. It shall be a bar to any other claim for compensation as regards the same injury.

		<p>It is submitted that the above provision is a good law but the ACJL provision will be complemented if the ACJA provisions are borrowed and incorporated into the ACJL. The ACJA should also be amended to include this ACJL provision.</p>
396(6) - Award of costs against defense and prosecution	Nil	No similar or equivalent provision. This is a major setback and ought to be reviewed.
491 - Misconduct proceedings for violating the Act or Law	Nil	No similar or equivalent provision
364 - Electronic recording of court proceedings	245	Section 245 of the ACJL is identical to Section 364 of the ACJA but fails to provide for

		electronic recording of court proceedings as provided in S. 364(1) of the ACJA. This is a short fall that should be addressed by legislative amendment of the ACJL to aid speedy disposition of cases.
232 - Protection of witnesses including in economic and financial crimes cases	201	S 201 of the ACJL is not elaborate as Section 232 of the ACJA but simply provides that the court may exclude the public at any stage of the hearing on the grounds of public policy, decency or expedience.
328 – Wrongful conversion or detention of property and award of damages	Nil	No similar or equivalent provision
333 – Seizure or forfeiture of proceeds of crime	291	Same as ACJA

111- Return by Controller General of Correctional Services to AG	Nil	The lack of this provision in the ACJL is a major setback in criminal in justice administration in the state and should be urgently addressed.
401 - Sentencing guidelines	Nil	No similar or equivalent provision.
221 - Prohibition of objections during trials	154	Section 154 of the ACJL allows the Court to permit or direct the framing of a new charge or add to or otherwise alter the original charge whereas Section 221 of the ACJA prohibits objection during trial on the ground of an imperfect or erroneous charge. The ACJL provision is a better law because it allows for objections to be taken after the charge is read to the defendant and any error

		corrected by amendment. See Section 159 of the ACJL.
396(2) - Ruling of preliminary objections to charges deferred till judgment	NIL	No similar provision but Section 173 of the ACJL that prohibits stay of proceedings can be applied to achieve the same goals of the ACJA provision.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	Nil	No Similar or equivalent provision The lack of this provision in the ACJL is a major shortfall in the ACJL that requires urgent inclusion by way of amendment by the state legislature.
187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	138(1) and 344	Section 138(1) of the ACJL is identical to Section 187(1) of the ACJA. Section 344 of the ACJL does not provide for the

		Chief Judge to make regulations with respect to the appointment of probation officers like the ACJA did in S. 457(2)
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CATEGORY B - EKITI (GESI) ACJA EQUIVALENT SECTION	SECTION	COMPARATIVE ANALYSIS COMMENTS ON EKITI ACJL
9(3) Search by same sex	5 and 109(3)	S 5(2) of the Ekiti ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 the ACJA It does not make any exception for situations of urgency or impracticability. See also S. 109(3) of the Ekiti ACJL which is in pari material with S. 5(2) above.
12(3) Search of private premises occupied by a woman	7(3)	Same as ACJA

167(3) Women standing sureties for bail	118(3)	Same as ACJA
191 Married woman rights over her personal properties including against her spouse of customary marriage	144	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	302(2) and 311	<p>S. 302(2) of the ACJL is not identical to 404 of ACJA because it provides for substitution of death sentence with life imprisonment where a woman convicted of capital offence is pregnant unlike the ACJA that provides that the execution of the death sentence shall be suspended until the baby is weaned.</p> <p>S. 311 of the ACJL is almost identical to 415 of ACJA but creates a new subsection 4 which</p>

		<p>provides that an appeal can lie to the Court of Appeal on a finding of the trial court that the woman is not pregnant and if the Court of Appeal sees reason to reverse the finding, it shall substitute the sentence with life imprisonment.</p> <p>It is submitted that the rationale for substituting death sentence with life imprisonment for a woman convicted of a capital offence in S. 302(2) of the ACJL may be in the interest of the unborn child.</p>
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CATEGORY C COVID 19 SECTION	-EKITI ACJAEQUIVALEN T SECTION	COMPARATIVE ANALYSIS COMMENTS ON EKITI ACJL
364 - Electronic recording of court proceedings	245	Section 245 of the ACJL is not identical to Section 364 of the ACJA because it fails to provide for

		<p>electronic recording of court proceedings as provided in S. 364(1) of the ACJA. This is a short fall that should be addressed by legislative amendment of the ACJL to aid speedy disposition of cases.</p>
<p>15(4) - Electronic/video recording of interrogations and confessions</p>	<p>9(3)</p>	<p>S 9(3) of the Ekiti ACJL has similar provisions to S. 15(4) of ACJA.</p> <p>S 15(4) of the ACJA uses the phrase “retrievable video compact disc or such other audio-visual means.” While S. 9(3) uses the phrase “recorded on video.</p>
<p>232 - Use of virtual court hearing tools such as video conference in trials</p>	<p>201</p>	<p>S 201 of the ACJL is not elaborate as Section 232 of the ACJA but simply provides that the court may exclude the public at any stage of the hearing on the grounds of public policy, decency or expedience.</p>

ENUGU STATE

Comment

The Enugu State's ACJL has sections which improve on the ACJA. It also has its fair share of sections that fall short of the National Minimum Standards and derail from the intention of the ACJA. Generally, the Enugu ACJL has elements which if implemented effectively can make Enugu's Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Enugu State in relation to the National Minimum Standards.

CATEGORY A - ENUGU TO EQUIVALENT FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	ENUGU SECTION	COMPARATIVE ANALYSIS COMMENTS ON ENUGU ACJL
106 - Abolition of lay prosecutions	181	The Enugu ACJL provides for lay prosecution in S. 181(1)(d) of the ACJL.
7 - Prohibition of arrest in lieu of suspect	8	Same as ACJA
5 - No unnecessary restraint	9	S. 9 of the Enugu ACJL is slightly

		<p>different from the ACJA provision –</p> <p>(i) It gives the Justice of the Peace the same powers as the courts in S. 9(a). This is expansive and commendable.</p> <p>(ii) The ACJL in S. 9(c) did not provide for the safety of the Defendant as a condition for the subjection, binding or handcuffing the suspect during arrest. This is a shortfall in the law because the safety of the defendant should always be paramount.</p>
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6- Notification of reason of arrest	10	<p>S. 10 of the ACJL is different from the ACJA provision in the following respects-</p> <p>(a) S. 10(2)&(3) of the ACJL provides that a person arrested shall be accorded humane treatment and shall not be subjected to any form of torture or inhuman treatment. This provision is found in S. 8(1) and (2) of ACJA</p> <p>(b) S. 10(4) prohibits arbitrary arrest and arrest based on civil breach of contract.</p> <p>(c) 10(5) prohibits arrest of persons related to the suspect through consanguinity or affinity or association with the person alleged to have committed an offence.</p>
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		<p>(d) S. 10(6) & (7) of the ACJL makes provisions for a person whose arrest is in violation of the ACJL or the Constitution to be entitled to compensation and damages as may be determined by a court.</p> <p>In summary, Section 10 of the Enugu ACJL is more elaborate and improves on Section 6 of the ACJA.</p>
8 - Human Treatment of suspect	10(2) & (3)	Same as ACJA
9 - decency in search of persons and properties including search by same sex	11	S 11(1) of the Enugu ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 of the ACJA It does not make any exception for

		situations of urgency or impracticability.
10 - mandatory inventory of properties of arrested person	12	The ACJL provision is almost identical to the ACJA provision but it does not include the proviso to S 10(2) of the ACJA which states that failure of the arrested suspect to sign the inventory shall not invalidate it. The ACJL simply states in S 12(2) that the inventory shall be signed by the police officer and the arrested person.

15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	16(1) & 17(2)	<p>S. 16 of the Enugu ACJL is similar to the ACJA but adds a key provision which greatly improve the recording of arrests.</p> <p>S. 16 (1)(d)(iv) includes the recording of DNA (whenever possible) and such other means of identification of a suspect.</p> <p>S 15(4) of the ACJA makes provision for the recording of a suspect's voluntary confessional statement electronically on a retrievable video compact disc or such other audio visual means This</p>
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		<p>provision is contained in Section 17(2) of the Enugu ACJL which included a proviso that where electronic or video recording is not available, then the statement shall be in writing and in the presence of a legal practitioner who shall witness and endorse his full particulars thereof as provided in S. 17(3). The ACJL provision makes it mandatory for a legal practitioner or any person of the suspect's choice to be present unlike the S. 17(2) of ACJA which uses the phrase "such statement may be taken in the</p>
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		<p>presence of a legal practitioner of his choice...” It is submitted that the Enugu ACJL is a better law and a step in the right direction which will address issues of voluntariness or otherwise of statements and confessional statements.</p>
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16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	18	<p>S 18 of the Enugu ACJL significantly deviates from Section 16(3) of the ACJA by providing that it is the duty of the Chief Registrar to transmit the decision of the court in all criminal trials to the CCRR and further provided in S. 18(3) that where the Chief Registrar defaults in transmitting the records within 30 days of delivery of the judgment, he shall be liable to appropriate disciplinary measures by the Judicial Service Commission.</p> <p>S16(3) of the ACJA imposes the duty of transmitting the records on the Police and did not make any provision for disciplinary actions where there is default. It is submitted that the ACJL provision is a better law and huge step forward in criminal justice</p>
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		<p>administration for the following reasons:</p> <p>(c) It is far more convenient and time-saving for the Chief Registrar to compile and transmit the records to the CCRR compared to the Police who will have to apply for same to the Chief Registrar.</p> <p>(d) It provides for disciplinary measures where there is non-compliance.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17(4)	<p>S 17(4) of the Enugu ACJL is almost identical to the ACJA S. 17(2) but deviates as follows:</p> <p>(a). By S 17 (4) it is mandatory for the statement or its endorsement as in subsection (2) to be made in the presence</p>

		<p>of the officer in charge of the Human Rights Desk where available or a superior police officer in the absence of a Human Rights Desks officer. The ACJA in S. 17(2) does not make this mandatory as it uses the word “may”</p> <p>(b) S. 17(4) OF ACJL does not provide that the statement be taken in the presence of officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace as provided in S. 17(2) of ACJA . It is submitted that this is a restrictive provision for legal support which ought not to be.</p>
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		S. 17(5) of the Enugu ACJL is almost identical to 17(3) of ACJA but provides that the interpreter must be of the suspect's choice. The ACJA provision simply states that an interpreter shall record and read over to the suspect but did not make the decision or choice of engaging an interpreter an exclusive reserve of the suspect.
33 - Police report to supervising magistrates	34	Same as ACJA
34- Magistrate's oversight of police stations	35	Same as ACJA
293-294 - Remand proceedings	223, 224	<p>S.223 of the ACJL deviates from S. 293 of the ACJA significantly as follows:</p> <p>(a) S. 223 of the ACJL makes it explicitly clear</p>

		<p>that a Magistrate has no jurisdiction to grant bail during remand Proceedings by using the phrase “an offence which the magistrate has jurisdiction to grant bail” unlike the ACJA in S. 293 that simply states that where the Magistrate has no jurisdiction to grant bail, thereby creating an ambiguity as to whether a Magistrate can grant bail or not where he has no jurisdiction to try the offence.</p> <p>(b) S. 223 of the Enugu ACJL introduced new subsections (3) & (4) as safeguards to abuse of remand proceedings by the police who in its usual practice obtain remand orders and dump suspects in custodial centers without taking steps to charge the suspects to court. The ACJL provides that no application for</p>
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		<p>remand shall be entertained if it is not accompanied by the original case file which will be transmitted by the Magistrate to the Director of Public Prosecutions for legal advice.</p> <p>These innovative provisions of the ACJL are worthy of being introduced into the ACJA.</p>
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17(4), 179	<p>S 17(4) of the Enugu ACJL is almost identical to the ACJA S. 17(2) but deviates as follows:</p> <p>(a). S 17 (4) makes it mandatory for the statement or its endorsement as in subsection (2) to be made in the presence of the officer in charge of the Human Rights Desk where available or a</p>

		<p>superior police officer in the absence of a Human Rights Desks officer. The ACJA in S. 17(2) does not make this mandatory but uses the word “may”</p> <p>(b) S. 17(4) OF ACJL does not provide that the statement be taken in the presence of officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace as provided in S. 17(2) of ACJA. It is submitted that this is a restrictive provision for legal support which ought not to be.</p>
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		<p>S. 179 of the Enugu ACJL does not include the provision contained in S. 110(7) of the ACJL to the effect that the ACJMC shall consider all returns made to the Chief Judge pursuant to subsections (4) & (5) of S. 110 for the purpose of ensuring expeditious disposal of cases and the right of access to the returns on request by the NHRC.</p>
187 - Bondsmen engagement in bail management	118	<p>S. 118 of the ACJL is similar to Section 187 of the ACJA but introduces paragraphs (b), (c) and (d) to subsection (8) thereby broadening the scope of the conditions under which the registration of a bond's person shall be withdrawn. This is an improvement on the ACJA provision.</p>

270 - Effective use of plea bargain	367	<p>Section 367 is similar to section 270 of the ACJA but differs as follows.</p> <p>10) The lack of the equivalent of Section 270 (18) of the ACJA which prevent appeals to superior courts on matters resolved by plea bargain can be explained by the ruling of the Court of Appeal <i>Iboyi Kelly V FRN (2020 14 NWLR PT 1745 479)</i> striking down the section following the promulgation of the ACJA.</p> <p>11) Section 367(15) of the ACJL provides that no plea bargain agreement shall be entered into without the written consent of the Attorney General or an officer in his department authorized by him. The section went</p>
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		<p>further to exclude the application of plea bargain to a charge of murder, kidnapping, armed robbery, rape, defilement, sexual assault or terrorism. The ACJA does not have this provision and it is submitted the ACJL have improved the ACJA provision.</p> <p>12) Section 367(14)(b) of the ACJL is more elaborate than S. 270(2) by adding that suspect makes restitution to the victim or his representative in crimes against property and offences against public funds by public officers.</p> <p>13) Subsection (7) of Section 367 of the ACJL adds a proviso to the effect that a judge or magistrate may be approached by Counsel as to the</p>
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		<p>contents of the discussions and he may inform them in general terms of the possible advantages of discussions, possible sentencing options or the acceptability of the proposed agreement. The ACJA in Subsection (8) of Section 270 does not have this provision. It is submitted that the proviso to the ACJL Subsection is contradictory in nature and the ACJA subsection is a better law.</p>
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	383	Same as ACJA

396(7) - Dispensation to elevated appellate justice to complete part-heard matters	NIL	No identical or equivalent provision in the ACJL although this provision has been held to be null and void by the Supreme Court.
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	280	Same as ACJA
396(3) - Day to day trials	258(2)(a)	Same as ACJA
396(4-5) - Restricted intervals of adjournments	258(2) (a)	<p>Almost identical to S. 396(4) of the ACJA but provides that each party shall not be entitled to more than two adjournments which shall not exceed 14 days interval.</p> <p>Section 258 does not have a similar provision to subsection (5) of 396 of ACJA that allows the court to adjourn the matter for periods not exceeding 7 days where it is impracticable to</p>

		conclude the trial after parties have exhausted their 5 adjournments. The lack of this provision in the ACJL leaves room for the judge or magistrate to adjourn matters for any length of time as they please thereby occasioning delay in criminal justice administration
110 - Timeframe to commence and complete trials	179(1)	Almost identical to the ACJA but does not make provision for First Information Report as contained in S. 110(1)(b) of the ACJA.
382(2)– Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL	239(3)	Section 239(3) provides that the Chief Judge shall take appropriate steps within 7 days from the date of filing for the charge to be assigned to a court for trial. The ACJA provides for 15 working days.

246-254 Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	- 145 -156	<p>S 145-156 of the ACJL is almost identical to S 246-254 of the ACJA. It differs as follows:</p> <p>(c) S 145 of the ACJL differs from S 246 of the ACJA by creating a proviso to the effect that no complaint shall be made under the section except by order made during the hearing of the case.</p> <p>(d) Section 146 also differs from Section 247 by introducing a proviso to the effect that a witness may only be punished for non-attendance only when he has been paid his witness allowances if he is a witness for the state.</p>
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		(e) Introduction of Section 152 which establishes witness support unit and witness expenses fund.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	257	Same as ACJA
319 - Compensation to victims of crime	440	Same as ACJA
396(6) - Award of costs against defense and prosecution	258(2)(c)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law		No identical or equivalent provision in the ACJL.
364 - Electronic recording of court proceedings	207	Section 207 of ACJL is almost identical with 364 of the ACJA. It differs

		from the ACJA by stating that the court proceedings in addition to be recorded manually, may be recorded in “other device”. The ACJA is expressly clear by providing for electronic recording.
232 - Protection of witnesses including in economic and financial crimes cases	335	Same as ACJA.
328 – Wrongful conversion or detention of property and award of damages	454	Similar to S. 232 of ACJA but went a step further by creating a proviso to the effect that the value of such property and the amount of damages awarded shall not together amount in value to two hundred thousand naira.

333 – Seizure or forfeiture of proceeds of crime	485	Same as ACJA
111- Return by Controller General of Correctional Services to AG	182	Section 182 does not improve the ACJA because it does not have a subsection (3) of the ACJA which provides that the recipient of the returns shall take necessary steps to address the issues raised in the return.
401 - Sentencing guidelines	392	<p>(c) Section 392 of the Enugu ACJL has similar provisions to 401 of ACJA but omits the provisions of the ACJA in Paragraphs (a), (b), (d), (e), (F), (g) of subsection (2) of Section 401 and uses the word “reformation” in place of “rehabilitation” as provided S. 401(2)(c) of the ACJA.</p> <p>(d) Section 392(2)(k) of the ACJL also provides that sentencing to a term of</p>

		imprisonment shall apply only to offenders who should be isolated from society and with whom other forms of punishment have failed or is likely to fail. The ACJA does not have this provision
221 - Prohibition of objections during trials	317	Same as ACJA
396(2) - Ruling of preliminary objections to charges deferred till judgment	258	<p>S. 258 of the ACJL is similar to 396(2) of the ACJA but diverges as follows:</p> <p>(a) Unlike the ACJA it provides that preliminary objections to a charge be taken before plea is taken after which all other objections shall be considered during final written address.</p> <p>(b) The ACJL went a step ahead in improving the ACJA by providing in S. 258(1)(b) that any interlocutory appeal in respect of an objection</p>

		taken before plea shall not operate as a stay of proceedings in the trial court.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	538	<p>Section 466 of the ACJL is almost Identical to the ACJA but adds to the list of committee members of the ACJMC and is called The Justice Sector Reform Team. It adds a position for President, Customary Court of Appeal, a Judge of the Customary Court of Appeal, Respected private legal practitioner, Chief Registrar of the High Court and Customary Court, Director, Citizens' Rights and Mediation Centre and Officer in Charge of community policing etc.</p> <p>The ACJL provides for a term of 4 years in office renewable only once but the ACJA does not have this provision.</p>

187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	118(1) and 462(2)	Same as ACJA
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CATEGORY B - (GESI) ACJA SECTION	ENUGU EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ENUGU ACJL
9(3) Search by same sex	11	S 11(1) of the Enugu ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 of the ACJA It does not make any exception for situations of urgency or impracticability.
12(3) Search of private premises occupied by a woman		No similar provision in the ACJL.
167(3) Women standing sureties for bail	96(3)	Same as ACJA

191 Married woman rights over her personal properties including against her spouse of customary marriage	345	S 345 of the ACJL is similar to that of the ACJA but omitted the phrase “security of her person” as used by S. 191 of the ACJA.
404 and 415 Sentence of death of a pregnant woman to be suspended	397 and 410	<p>S. 397 of the ACJL is similar to S. 404 of the ACJA but provides for substitution of death sentence where the convict is pregnant while the ACJA Section provides for suspension of execution.</p> <p>S. 410 of ACJL is also similar to S. 415 of the ACJA but introduces a new subsection (4) to the effect that a finding of a court that she is not pregnant and therefore liable to be executed with subsection (3) is appealable to the Court of Appeal.</p>

CATEGORY C - COVID 19 SECTION	ENUGU ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ENUGU ACJL
364 - Electronic recording of court proceedings	207	Section 207 of ACJCL is almost identical with 364 of the ACJA. It differs from the ACJL by stating that the court proceedings in addition to be recorded manually, may be recorded in “other device”. The ACJA is expressly clear by providing for electronic recording.
15(4) - Electronic/video recording of interrogations and confessions	17(2)	S 15(4) of the ACJA makes provision for the recording of a suspect’s voluntary confessional statement electronically on a retrievable video compact disc or such other audio visual means This provision is contained in Section 17(2) of the Enugu ACJL which included a proviso that where electronic or video recording is not available, then the statement shall be

		<p>in writing and in the presence of a legal practitioner who shall witness and endorse his full particulars thereof as provided in S. 17(3). The ACJL provision makes it mandatory for a legal practitioner or any person of the suspect's choice to be present unlike the S. 17(2) of ACJA which uses the phrase "such statement may be taken in the presence of a legal practitioner of his choice..." It is submitted that the Enugu ACJL is a better law and a step in the right direction which will address issues of voluntariness or otherwise of statements and confessional statements</p>
232 - Use of virtual court hearing tools such as video conference in trials	335	Same as ACJA.

GOMBE STATE

Comment

The Gombe State Administration of Criminal Justice Law 2020 has sections which improved on the ACJA amongst which are the elimination of trial-within-trial, dispensation to Judges or Magistrates transferred to another jurisdiction to conclude any part heard matters in the last Jurisdiction and provides for occasions where a Judge or Magistrate in a part-heard matter either retires, dies, elevated or dismissed or in any way incapacitated, the Judge or Magistrate assigned to take over the case would continue with the case from where the former judge or magistrate stopped. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA such as the practice of lay prosecution and non-existent provision for bonds persons. Generally, its ACJL has elements which if implemented will effectively improve Gombe State Criminal Justice system and one of the best in the country.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Gombe State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	GOMBE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON GOMBE ACJL
106 - Abolition of lay prosecutions	124	Unlike the ACJA where there is absolute abolition of lay prosecution but in the ACJL there is a partial prohibition of lay prosecution. It appears that there is abolition of lay prosecutions at the High Court, but S 124 (3) allows a Police officer to prosecute only at the Magistrate Court where the Attorney General has not already assigned Law Officers from his Ministry.
7 - Prohibition of arrest in lieu of suspect	25	Same as ACJA
5 - No unnecessary restraint	23	Same as ACJA

6 - Notification of reason of arrest	24	Same as ACJA
8 - Human Treatment of suspect	26	Same as ACJA
9 - decency in search of persons and properties including search by same sex	27	S. 27 (3) Gombe ACJL makes no exception for a person arrested to be searched by a person of a different sex. Unlike S 9 of ACJA which makes exception for situations of urgency or impracticability.
10 - mandatory inventory of properties of arrested person	28	Same as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	33	S 33 of the Gombe ACJL is identical to the ACJA but adds key sub-paragraphs which greatly improves the record of arrests. S 33 introduces a new paragraph (d) and two

		<p>subsections which differs from the ACJA:</p> <p>S 33 (1)(d) includes Bank Verification Number, and/ telephone number.</p> <p>33(6) Requires prosecutors to adduce evidence to show the voluntariness of a statement allegedly made 'voluntarily'.</p> <p>S 33 (7) Provides that any objection to the admissibility of a confessional statement shall be recorded and be ruled upon while delivering Judgement or ruling in a no case submission.</p> <p>These innovative provisions are vital as they seek to eliminate trial-within-trial. This is in line with the objective of the ACJL.</p>
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16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	34	S 34 of the Gombe ACJL is same as ACJA, however, S 34(2) improves on the ACJA and provides that the Central Criminal Records registry shall maintain both manual and electronic records of arrests, discharges, acquittals and convictions.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	35	Same as ACJA but with an omission of the Justice of the Peace to witness the process of statement of suspect.
33 - Police report to supervising magistrates	51	Same as ACJA
34- Magistrate's oversight of police stations	52	Same as ACJA but with slight variation. While ACJA provides for supervisory visits of Federal Detention facilities other than the correction centres but

		<p>Gombe ACJL does not have such subsection. This is in order since Gombe ACJL deals with procedures for trial of state offences.</p> <p>Also, S. 52 (4) Gombe ACJL provides that where the Police authority or Agency refuses to observe the disciplinary measure against an erring officer, any other body or person may make such report to the Justice Sector Reform Team.</p> <p>This provision is commendable, and it is absent in the ACJA.</p>
293-294 - Remand proceedings	309 – 310	Same as ACJA
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	35(2), nil	<p>S. 35(2) is in all fours with S. 17(2) of ACJA.</p> <p>While S. 110(7) is absent in Gombe ACJL.</p>

187 - Bondsman engagement in bail management	Nil	No equivalent provision in Gombe ACJL.
270 - Effective use of plea bargain	286	<p>Section 286 is equivalent to section 270 of the ACJA but with different subsections as follows.</p> <ol style="list-style-type: none"> 1. S 286(2) Gombe requires that consent of the victim must first be sought and obtained in offences affecting the human body before entering a plea bargain. Paragraphs (a-c) are absent in S. 286 Gombe ACJL unlike 270(2) ACJA. The missing paragraphs are not in any way essential, in fact paragraph (a) shows lack of prima facie case.

		<p>2. While S. 286 (14) Gombe imposes 5 years term of imprisonment to anyone who willfully obstructs the provision, S. 270 (14) ACJA imposes 7 years term of imprisonment.</p> <p>3. Section 286 of the ACJL does not have section 270 (18) of the ACJA. However, it is worthy to note that in <i>Chinaka Promise v. FRN CA/A/767/2019</i>, the Court of Appeal declared the provision of section 270(18) of ACJA to be in conflict with the provision of section 241(1) (a) and (b) of the 1999 Constitution and thus</p>
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		unconstitutional and void. See also the case of <i>Iboyi Kelly V FRN</i> (2020 14 NWLR Pt 1745 479).
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	393	Same as ACJA.
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	418(7) & (8)	<p>No dispensation to a High Judge who has been elevated to the Court of Appeal however, S. 418 (7) Gombe ACJL improves on the ACJA. Note that this provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action.</p> <p>Unlike the ACJA, S 418 (7) Gombe ACJL gives dispensation to a Judge or</p>

		<p>Magistrate transferred to another jurisdiction to conclude any part heard matters in the last Jurisdiction.</p> <p>S. 418 (8) makes provision to take care of a situation where a Judge or Magistrate in a part-heard matter either retires, dies, elevated or dismissed or in any way incapacitated, the Judge or Magistrate assigned to take over the case, may continue with the case from where the former stopped.</p> <p>These provision of Gombe ACJL are laudable to address the problems associated with trial de novo.</p>
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	123	<p>S 123 Gombe ACJL is equivalent to S. 376 (2) of ACJA but it does not stipulate any timeline for the issuance of legal advice.</p>

396(3) – Day-to-day trials	418 (3)	Same as ACJA
396(4-5) - Restricted intervals of adjournments	418 (4-5)	Same as ACJA
110 - Timeframe to commence and complete trials	128	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	262-268	Same as ACJA
382 – Assignment of cases to court within 15days of filing (or within timeframe stipulated by state ACJL)	406	Unlike the ACJA, the ACJL provides that the Chief Judge shall ensure that the charge filed is assigned to a court for trial within 7 days of its filing and on assignment of the charge, the court to which the charge is assigned shall within 5 days of the assignment issue notice of trial

395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	417	Same as ACJA
319 - Compensation to victims of crime	395	Same as ACJA
396(6) - Award of costs against defense and prosecution	418 (6)	Same as ACJA
491(1) - Misconduct proceedings for violating the Act or Law	498	Same as ACJA
364 - Electronic recording of court proceedings	380	Same as ACJA

232 - Protection of witnesses including in economic and financial crimes cases	349	<p>Same as ACJA. Gombe ACJL improves on ACJA by expanding the list of offence to include armed robbery, kidnapping, abduction and other offences involving the use of or threat of violence for which witness protection may be necessary.</p> <p>This is a better provision since these offences are prevalent in Nigeria, hence the need for witness protection.</p>
328 – Wrongful conversion or detention of property and award of damages	404	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	320	Same as ACJA

111- Return by Controller General of Correctional Services to AG	129	<p>Same as ACJA but with slight deviation.</p> <p>While S. 129 of Gombe ACJL provides for returns to be made in respect of inmates held in custody for a period beyond 90 days from the date of remand, ACJA on the other hand provides for return of inmates held in custody beyond 180 days from the date of arraignment.</p>
401 - Sentencing guidelines	423	Same as ACJA
221 - Prohibition of objections during trials	238	Same as ACJA
396(2) - Ruling of preliminary objections to charges deferred till judgment	418(2)	Same as ACJA

469 - Functioning of Administration of Criminal Justice Monitoring Committee	491	<p>Same as ACJA but with slight variation. Unlike the ACJA, the chairman of Gombe ACJMC, is a judge to be appointed by the Chief Judge in consultation with the Attorney-General. The DPP serves as the Secretary.</p> <p>In ACJA the chairman of the ACJMC is the Chief Judge, FCT and the Secretary is a private legal practitioner appointed by the Attorney-General of the Federation</p>
187 (1), 457 (2) and 490 - Exercise of powers of heads of court to make supplementary rules and guidelines	<p>Nil</p> <p>466(2) and 496</p>	<p>No provision for bondspersons in the Gombe ACJL</p> <p>Same as ACJA`</p>

CATEGORY B -GOMBE (GESI) ACJAEQUIVALENT SECTION	SECTION	COMPARATIVE ANALYSIS COMMENTS ON GOMBE ACJL
9(3) Search by same sex	27(3)	Unlike the ACJA which makes it possible to dispense with this requirement in cases of emergencies S 27(3) of the Gombe ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. It does not make any exception for situations of urgency or impracticability.
12(3) Search of private premises occupied by a woman	30 (3)	Same as ACJA
167(3) Women standing sureties for bail	186 (3)	Same as ACJA

191-Married woman rights over her personal properties including against her spouse of customary marriage	206 (g)	S. 206 of the ACJL is equivalent to the ACJA but it removes the part of the provision of the ACJA which allows a married woman to enjoy Legal remedies against her husband as she would any other man for the protection of her property.
404 and 415 Sentence of death of a pregnant woman to be suspended	426 and 437	Same as ACJA

CATEGORY C – COVID-19 SECTION	GOMBE ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON GOMBE ACJL
364 - Electronic recording of court proceedings	380	Same as ACJA

15(4) - Electronic/video recording of interrogations and confessions	33 (4)	<p>S 33(4) of the Gombe ACJL broadens the scope of the means by which a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase "video compact disc".</p> <p>S 15(4) of the ACJA uses the phrase "retrievable video compact disc or such other audiovisual means." While S 33(4) uses the phrase "may be recorded electronically on a retrievable video or audio device"</p>
232 - Use of virtual court hearing tools such as video conference in trials	249	S 24 9 (4)(b) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.

IMO STATE

Comments

The Imo State Administration of Criminal Justice Law 2020 has sections which improve on the ACJA amongst which are the establishment of Witness Support Unit and Witness Expenses Fund and sets up the Public Defence Funds at the Citizens Rights and Mediation for the purpose of providing legal aid services for indigent defendants. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA such as the practice of lay prosecution. Generally, the Imo state ACJL has elements which if implemented will effectively make Imo's Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Imo State in relation to the National Minimum Standards.

CATEGORY A (CRITICAL FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	-IMO TO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON IMO ACJL
106 - Abolition of lay prosecutions	Nil	Although S 181 of Imo ACJL is equivalent to S 106 of ACJA however, it still permits a member of the Nigerian Police to

		<p>prosecute criminal cases.</p> <p>The implication of this this is that lay prosecution is still practiced in Imo State.</p>
7 - Prohibition of arrest in lieu of suspect	8	Same as ACJA
5 – No unnecessary restraint	9	Same as ACJA
6 - Notification of reason of arrest	10	<p>Same as ACJA but with variation as follows:</p> <ol style="list-style-type: none"> 1. S. 10 of the Imo ACJL merged two provisions of the ACJA into a single section, which are sections 6 and 8 of ACJA. 2. S. 10(2) &(3) of the ACJL provides that a person arrested shall be

		<p>accorded humane treatment and shall not be subjected to any form of torture or inhuman treatment. This provision is found in S. 8(1) and (2) of ACJA</p> <p>3. S. 10(4) prohibits arbitrary arrest and arrest based on civil breach of contract.</p> <p>4. 10(5) prohibits arrest of persons related to the suspect through consanguinity or affinity or association with the person alleged to have committed an offence.</p>
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		<p>5. S. 10(6) makes it mandatory for any agency, police or persons authorized by law to make arrest to comply with the provisions of the law in effecting the said arrest.</p> <p>6. S 10(7) & (8) of the ACJL makes provisions for a person whose arrest is in violation of the ACJL or the Constitution to be entitled to compensation and damages as may be determined by a court.</p> <p>Section 10 of the Imo ACJL is more</p>
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		elaborate and improves on Sections 6 and 8 of the ACJA.
8 -Human Treatment of suspect	10(2) & (3)	Same as ACJA with some improvements as highlighted above.
9-decency in search of persons and properties including search by same sex	11	Same as the ACJA but unlike S9 of the ACJA which provides for exception for situations of urgency or impracticability, S 11(1) of the Imo ACJL makes it mandatory for the search of a suspect to be made decently by a person of the same gender without any exception.

10-mandatory inventory of properties of arrested person	12	The ACJL provision is almost identical to the ACJA provision but it does not include the proviso to S 10(2) of the ACJA which states that failure of the arrested suspect to sign the inventory shall not invalidate it. The ACJL simply states in S 12(2) that the inventory shall be signed by the police officer and the arrested person.
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	16 & 17	S. 16 of the Imo ACJL is similar to the ACJA but adds a key provision which greatly improve the recording of arrests.

		<ol style="list-style-type: none"> 1. S 16 (1)(d)(iv) includes the recording of DNA (whenever possible) and such other means of identification of a suspect. 2. S 17(2) of the Imo ACJL includes a proviso that where electronic or video recording is not available, the statement shall be in writing and in the presence of a legal practitioner who shall witness and endorse his full particulars. 3. S. 17(3) of the ACJL makes it mandatory for a
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		<p>legal practitioner or any person of the suspect's choice to be present.</p> <p>It is submitted that the Imo ACJL is a better law and a step in the right direction which will address issues of voluntariness or otherwise of statements and confessions of suspect.</p>
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	18	<p>S 18 of the Imo ACJL though similar to S 16 of ACJA improves on it significantly. It states that the Chief Registrar shall transmit the decision of the court in all criminal trials to the CCRR and further provided in S. 18(3)</p>

		<p>that where the Chief Registrar defaults in transmitting the records within 30 days of delivery of the judgment, he shall be liable to appropriate disciplinary measures by the Judicial Service Commission.</p> <p>While S 16(3) of the ACJA imposes the duty of transmitting the records on the Police and did not make any provision for disciplinary actions where there is default.</p> <p>It is submitted that the ACJL provision is a better law and huge step forward in criminal justice administration for the following reasons:</p>
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		<p>(e) It is more convenient for the Chief Registrar to compile and transmit judgments/rulings to the CCRR as against the Police who will have to apply for same to the Chief Registrar.</p> <p>(f) It provides for disciplinary measures where there is non-compliance.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17	<p>S 17 of the Imo ACJL is a slight variation from S 17 of ACJA but essentially the contents are the same. The slight differences are highlighted as follows:</p>

		<p>1. S 17 (4) makes it mandatory for the statement or its endorsement to be made in the presence of the officer in charge of the Human Rights Desk where available or a superior police officer in the absence of a Human Rights Desks officer. The ACJA does not have exact provision and it makes it optional for statement of suspect to be witnessed by his/her lawyer or other persons listed</p>
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		<p>as the word “may” is used.</p> <p>2. S. 17(5) of the Imo ACJL is identical to 17(3) of ACJA but provides that the interpreter must be of the suspect’s choice. The ACJA simply states that an interpreter shall record and read over to the suspect but did not make the decision or choice of engaging an interpreter an exclusive reserve of the suspect.</p>
33 - Police report to supervising magistrates	34	Same as ACJA

34- Magistrate's oversight of police stations	35	Same as ACJA
293-294 - Remand proceedings	222 -223	<p>Same as ACJA but with improvements on the provision.</p> <p>S 222 of the Imo ACJL introduced new subsections (3), (4) & (5) as safeguards to check abuse of remand proceedings by the arresting agency.</p> <p>1. Subsection (3) of the ACJL provides that no application for remand shall be entertained unless accompanied with the original case file which shall be tendered as exhibit.</p> <p>2. Subsection (4) of the ACJL provides that at the end of the proceedings of</p>

		<p>the day, the Magistrate shall transmit the original case file to the office of the Director of Public Prosecutions, and</p> <p>3. Subsection (5) provides that the investigation report of the Investigating Police Officer, or officer of any agency, shall be on oath and may at the trial be admitted as evidence in chief of such officer.</p> <p>These laudable provisions of the ACJL are novel and recommended to be incorporated to the ACJA.</p>
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17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17 (3) & (4)	S 17(3) & (4) of the Imo ACJL are equivalent to S17 (2) of ACJA but there is no equivalent provision for S110 (7) of ACJA except for S 17(4) ACJL.
187 - Bondsmen engagement in bail management	Nil	Same as ACJA
270 - Effective use of plea bargain		<p>Section 367 is identical to section 270 of the ACJA but differs as follows:</p> <ol style="list-style-type: none"> 1. Unlike the ACJA section 367(13) of the ACJL provides that no plea bargain agreement shall be entered into without the written consent of the Attorney General or an officer in his department

		<p>authorized by him. The section further exclude the application of plea bargain to a charge of murder, kidnapping, armed robbery, rape, defilement, sexual assault or terrorism or financial crimes involving public offices, public officers and civil servant. In contrast, no limitations as to the offences to be plea bargained.</p> <p>2. ACJA in 270(14) prescribes liability of 7 years imprisonment for interfering with forfeited sums but such provision is</p>
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		<p>missing in the ACJL.</p> <p>3. The ACJL does not have an equivalent provision of section 270 (17) and (18) of the ACJA.</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRNNWLR (2020) (Pt. 1745) 479</i> struck down section 270(18) of ACJA stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
306 - Abolition of stay of criminal trial proceedings	383	Same as ACJA

on account of interlocutory appeal		
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	Nil	No similar provision in the ACJL.
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	234	Same as ACJA
396(3) - Day to day trials	257(2)(a)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	257(2)(b)	Same as ACJA but instead of the five adjournments as provided by the ACJA the ACJL reduced it two adjournments.
110 – Timeframe to commence and complete trials.	179 & 258	S 179 of Imo ACJL is the same with S 110 of ACJA but S 258 ACJL is more detailed as it provides timeframe for different classes of offence.

382 – Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL).	238	While ACJA provides for 15 working days for assignment, S 238 of the ACJL stipulates that assignment of information shall be within seven days of filing. It appears that the timeframe for assignment of information is shorter when compared to ACJA. This is commendable.
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	145 -156	<p>S 145-156 of the ACJL improves upon S 246-254 of ACJA. The innovations brought about by the ACJL are as follows:</p> <ol style="list-style-type: none"> 1. S 151 of the ACJL provides that in cases involving death the state shall <i>bear the expenses</i>

		<p><i>for medical and other bodily examination.</i></p> <p>2. S 152 ACJL establishes Witness Support Unit and Witness Expenses Funds.</p> <p>These provisions introduced by the Imo ACJL are commendable.</p>
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	256	<p>S 256 of ACJL is similar to S 395 of A CJA and improves on it by mandating the State to set up a Public Defence Fund at the Citizens Rights and Mediation Center for purpose of providing free legal services to indigent defendants.</p> <p>S 256 of Imo ACJL is laudable and a st</p>

		ep in the right direction.
319 - Compensation to victims of crime	440	Same as ACJA.
396(6) - Award of costs against defense and prosecution	259(a)	S 259(a) of the ACJL is the equivalent of S 396(6) of ACJA.
491 – Misconduct proceedings for violating the Act or Law	Nil	The ACJL does not have any provision equivalent to S 491 of ACJA, however some sections of the ACJL prescribe sanctions for misconduct.
364 - Electronic recording of court proceedings	270	S 364 of ACJA provides that court proceeding may be recorded electronically but the Imo ACJL states that proceeding shall be recorded in a book or other device. It is noted that the provision of Imo ACJL is ambiguous since the term ‘other

		device' is not defined in the law.
232 - Protection of witnesses including in economic and financial crimes cases	335	Same as ACJA
328 – Wrongful conversion or detention of property and award of damages	454	S 454 of the ACJL is similar to S. 328 of ACJA but it went a step further by creating a proviso to the effect that the value of such property and the amount of damages awarded shall not together amount in value to two hundred thousand naira.
333 – Seizure or forfeiture of proceed of crimes	485	Same as ACJA.
111- Return by Controller General of Correctional Services to AG	182	Same as ACJA.

401 - Sentencing guidelines	Nil	There is no equivalent provision in the ACJL, however, S392 ACJL may be used as a guide in sentencing.
221 - Prohibition of objections during trials	318	S 318 of ACJL is equivalent to S 221 of ACJA
396(2) - Ruling of preliminary objections to charges deferred till judgment	257	S 257(a) is similar to ACJA.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	538	S 525 of the ACJL is equivalent of S 469 of ACJA but unlike the ACJA the body is called the Justice Reform Team and the membership of the Team is expanded apart from the ones already listed in the ACJA includes: 1. The Judge of the Family High Court;

		<p>2. A respected private legal practitioner or justice sector expert from the academia;</p> <p>3. The Chief Registrar of the High Court;</p> <p>4. The Family Chief Magistrate;</p> <p>5. The Director of Public Prosecutions;</p> <p>6. The Chairman and Secretary Magistrates' Association of Nigeria, Imo State Branch;</p> <p>7. A representative of the Imo State House of Assembly;</p> <p>8. A representative of the Ministry of Chieftaincy Affairs;</p> <p>9. A representative of the State</p>
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		<p>Traditional Rulers' Council;</p> <p>10. A representative of Ministry of Gender Affairs;</p> <p>11. A representative of the National Council of Women Society;</p> <p>12. the Director, Citizens Rights and Mediation Centre;</p> <p>13. A representative of the Imo State Child Protection Network;</p> <p>14. A representative of the National Security and Civil Defence Corp;</p> <p>15. A representative of the National Orientation Agency;</p> <p>16. The chairman Nigerian Union of Journalists, Imo State Chapter.</p>
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187(1), 457(2) and 490 – Exercise of powers of heads of court to make supplementary rules and guidelines	118(1), 462 (2), 552	Same as ACJA
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CATEGORY B - (GESI) ACJA SECTION	IMO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON IMO ACJL
9(3) Search by same sex	11(3)	Unlike the ACJA which makes it possible to dispense with this requirement in cases of emergencies S 11(1) of the Imo ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same gender. It does not make any exception for situations of urgency or impracticability.

12(3) Search of private premises occupied by a woman	Nil	No equivalent provision
167(3) Women standing sureties for bail	96(3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	345	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	397 and 410	Unlike the ACJA which states that where a pregnant woman is found guilty of capital offence, the sentence of death shall be passed but its execution shall be suspended until the baby is delivered and weaned, the ACJL provides that the sentence of death shall be commuted to life imprisonment.

CATEGORY COVID-19 SECTION	C –IMO ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON IMO ACJL
364 - Electronic recording of court proceedings	207	Section 207 of ACJCL is identical with 364 of the ACJA. It differs from the ACJL by stating that the court proceedings in addition to be recorded manually, may be recorded in “other device”. while ACJA expressly provides for electronic recording. The Imo ACJL is ambiguous because of the use of the phrase ‘device’.
15(4) - Electronic/video recording of interrogations and confessions	17(2)	S 15(4) of the ACJA makes provision for electronic recording of a suspect’s voluntary confessional statement on a retrievable video compact disc or such other audio-visual means. This provision is contained in Section

		<p>17(2) of the Imo ACJL which included a proviso that where electronic or video recording is not available, then the statement shall be in writing and taken in the presence of a legal practitioner who shall witness and endorse his full particulars as provided in S. 17(3). The ACJL provision makes it mandatory for a legal practitioner or any person of the suspect's choice to be present unlike the S. 17(2) of ACJA which uses the phrase "such statement may be taken in the presence of a legal practitioner of his choice..." It is submitted that the Imo ACJL is a better law and a step in the right direction which will address issues of voluntariness or</p>
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		otherwise of statements and confessional statements
232 - Use of virtual court hearing tools such as video conference in trials	335	Same as ACJA.

JIGAWA STATE

Comments

The Jigawa State's ACJL has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards that undermined the true intentions of the ACJA. Generally, Jigawa ACJL has elements which if implemented effectively can make Jigawa's Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Jigawa State in relation to the National Minimum Standards.

CATEGORY A (CRITICAL FUNCTIONING CRIMINAL JUSTICE) SECTION	JIGAWA TOEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON JIGAWA ACJL
106 - Abolition of lay prosecutions	117	<p>The Jigawa ACJL improved on the ACJA section.</p> <p>S. 117(2) & (3) provides for synergy between the Office of the Attorney General and the Investigating Police Officer during the investigation of offences</p>

		carrying the death sentence.
7 - Prohibition of arrest in lieu of suspect	25	Same as ACJA
5-No unnecessary restraint	23	Same as ACJA
6 - Notification of reason of arrest	24	Same as ACJA
8 -Human Treatment of suspect	26	Same as ACJA
9-decency in search of persons and properties including search by same sex	27	S. 27(3) of the Jigawa ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. The law does not make any exception for situations of urgency or impracticability as contained in the ACJA.

10-mandatory inventory of properties of arrested person	28	Same as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	33	<p>S 33 of the Jigawa ACJL is similar to the ACJA but adds key provisions which greatly improved the recording of arrests.</p> <p>S.33 (1)(d) introduces the recording of Bank Verification Number, DNA (whenever possible), national identity number, telephone number, and such other means of his identification of a suspect.</p> <p>S. 33(4) of the Jigawa ACJL broadens the scope of the means by which a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the</p>

		<p>phrase “video compact disc”.</p> <p>S 15(4) of the ACJA uses the phrase “retrievable video compact disc or such other audiovisual means.” While S 33(4) uses the phrase “may be recorded electronically on a retrievable video or audio device”</p> <p>S 33 also adds two fresh subsections which differ from the ACJA.</p> <p>33(6) Requires prosecutors to adduce evidence showing the voluntariness of a Confessional statement which they intend to rely on.</p> <p>S 33 (7) Provides that any objection to the admissibility of a confessional statement shall be recorded and be</p>
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		ruled upon at the delivery of the final judgment.
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	34	S 34 of the Jigawa ACJL is almost identical to the ACJA. S 34(2) improves on the ACJA and provides that the Central Criminal Records registry shall maintain both <u>manual and electronic</u> records of arrests, discharges, acquittals and convictions.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	35	S 35 of the Jigawa ACJL is almost identical to the ACJA. S 35 (4) adds to the particulars an interpreter is expected to provide. Specifically, it adds that an interpreter shall provide a telephone number.
33 - Police report to supervising magistrates	47	Same as ACJA

34- Magistrate's oversight of police stations	48	Same as ACJA
293-294 - Remand proceedings	289, 299	Same as ACJA
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	35, 121	35(2) of the Jigawa ACJL is almost identical to the ACJA, however that subsection did not include "Justice of Peace" as persons before whom a statement may be taken, as was provided for in S.17(2) of ACJA. 121(7) Same ACJA
187 - Bondsman engagement in bail management	Nil	This is not present in the Jigawa ACJL. This is a setback in the law; thus, it is not encouraged.
270 - Effective use of plea bargain	274	Section 274 is similar to section 270 of the ACJA but differs as follows: Section 274(2) of the ACJL differs with S 270 (2) of the ACJA. S 274(2)

		<p>of the ACJL removed the safeguards on the prosecutor's decision to engage in plea bargaining set out in 270(2) (a)(b) & (c) of the ACJA. This is an unexplainable weakness of the Jigawa ACJL which creates room for mismanagement of plea bargaining in the State.</p> <p>Section 274 (5)(i) of the ACJL narrows the first listed item the prosecution is to consider. It states that persecution shall consider the "defendant's willingness to cooperate in the investigation or prosecution of others by <u>providing relevant information for the prosecution of other defendants,</u>". This limits the scope of the defendant's willingness to Co-operate. This underlined phrase is not in the ACJA.</p>
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		<p>Section 274(14) of the ACJL prescribes liability of 5 years imprisonment as sanction for interfering with forfeited sums. Section 270(14) the ACJA prescribes 7 years.</p> <p>Section 274 of the ACJL does not have an equivalent provision of section 270 (17) and (18) of the ACJA.</p> <p>The lack of section 270 (17) which protects against double jeopardy is mitigated by Section 242(1)(c) of the Jigawa ACJL which states that <u>a Defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been convicted for or acquitted of an offence by a competent Court other than the offence charged, being an offence for</u></p>
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		<p>which, apart from this Section, he might be convicted by virtue of being charged with the offence charged.</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN</i> (2020 14 NWLR Pt 1745 479) struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	309	Same as ACJA

396(7) - Dispensation to elevated appellate justice to complete part-heard matters	392(8)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	376(2)	Same as ACJA
396(3) - Day to day trials	392(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	392(4) and (5)	Same as ACJA
110 - Timeframe to commence and complete trials	121	Same as ACJA
382 -Assignment of cases to court within 15days of filing (or within timeframe	378	Section 378 of Jigawa ACJL is similar to the ACJA, however there are some differences.

<p>stipulated by state ACJL)</p>		<p>Jigawa ACJL sets a shorter time line for assignment of a charge.</p> <p>S. 378(1) of the ACJL provides that the Chief judge shall take appropriate steps to ensure that a charge filed is assigned to a court for trial within 7 working days of its filing as against 15 working days prescribed by ACJA.</p> <p>S. 378(2) provides that notice of trial be issue to the <u>Attorney-General</u> and the defendant within 10 workings days, while ACJA provided for the issuance of notice of trial to the <u>witnesses</u> and defendants within 10 working days.</p> <p>The law is silent as to issuance of such notice to witnesses as was provided in ACJA.</p>
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<p>246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses</p>	<p>250 -258</p>	<p>S 250-258 of the ACJL is similar to S 246-254 of the ACJA, although the ACJL made some improvements to the Act. The provision differs as follows:</p> <p>S. 254(1)(c) of Jigawa ACJL provides that “the Court may adjourn the hearing of the case and may in the meantime by warrant, commit the person to prison or other place of safe custody for a <u>period not more than 5 days</u> or <u>any other non-custodial sentence</u>.”</p> <p>While section 250(1)(c) of ACJA which is an equivalent provision provides that the court may by warrant commit a person to a prison or other places of safe custody for <u>a period not exceeding 30days</u>. The ACJA was silent on the issue of “other non-custodial sentence”.</p>
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		<p>This is a welcomed improvement to the law.</p> <p>S. 255 of the ACJL specified that the Attorney-General is responsible for prescribing such reasonable expenses which is payable to a witness. S. 251 of the ACJA was silent on who is responsible for prescribing the reasonable expense payable to the witness.</p>
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	391	Same as ACJA
319 - Compensation to victims of crime	322	Same as ACJA
396(6) - Award of costs against defense and prosecution	392(6)	Same as ACJA

491 - Misconduct proceedings for violating the Act or Law	477	S 477 of the Jigawa ACJL adds a second subsection which improves on the ACJA. S 477(2) gives broad powers to the Court to apply procedures which are not expressly provided for in the ACJL in order to meet the Justice of the case.
364 - Electronic recording of court proceedings	364	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	239	S 239 (4) (b) of the ACJL improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.
328 - Wrongful conversion or detention of property and award of damages	331	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	336	Same as ACJA

111- Return by Controller General of Correctional Services to AG	122	S 122(h) of the ACJL improves on the ACJA by adding that the name of the prosecutor of a suspect should be included as part of the information the Comptroller General of Prisons (now Correctional Services) sends to the Chief Judge.
401 - Sentencing guidelines	397	Same as ACJA
221 - Prohibition of objections during trials	229	S. 229 of the ACJL allows objections to a charge to be entertained immediately after arraignment. This is a clear departure from the provisions of the ACJA.
396(2) - Ruling of preliminary objections to charges deferred till judgment	392(2)	Same as ACJA

469 - Functioning of Administration of Criminal Justice Monitoring Committee	453	Same as ACJA
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	441(2)	An equivalent of S. 187(1) of the ACJA was not captured in the Jigawa ACJL The provision of S. 441(2) is the same as the ACJA
CATEGORY B -JIGAWA (GESI) ACJAEQUIVALENT SECTION	JIGAWA SECTION	COMPARATIVE ANALYSIS COMMENTS ON JIGAWA ACJL
9(3) Search by same sex	27(3)	Unlike the ACJA which makes it possible to dispense with this requirement in cases of emergencies S 27(3) of the Jigawa ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. It does not make any exception for

		situations of urgency or impracticability.
12(3) Search of private premises occupied by a woman	30(3)	Same as ACJA
167(3) Women standing sureties for bail	178(3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	200	<p>S. 200 of the ACJL is similar to that of the ACJA but drastically reduces protection for the woman as envisaged by the ACJA.</p> <p>It removes the part of the provision of the ACJA which allows a married woman to enjoy Legal remedies against her husband as she would any other man for the protection of her property.</p>

404 and 415 Sentence of death of a pregnant woman to be suspended	400 and 411	Same as ACJA
CATEGORY C – JIGAWA COVID-19 ACJAEQUIVALENT SECTION	JIGAWA SECTION	COMPARATIVE ANALYSIS COMMENTS ON JIGAWA ACJL
364 - Electronic recording of court proceedings	364	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	33	<p>S 33(4) of the Jigawa ACJL broadens the scope of the means by which a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase "video compact disc".</p> <p>S 15(4) of the ACJA uses the phrase "retrievable video compact disc or such other audiovisual means." While S 33(4) uses the phrase "may be recorded electronically on</p>

		a retrievable video or audio device.
232(3) - Use of virtual court hearing tools such as video conference in trials	239	Same as ACJA

KADUNA STATE

Comment

The Kaduna State's ACJL has sections which improve on the ACJA. It also has a good number of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA, particularly in the area of gender equality. Generally, the Kaduna ACJL has elements which if implemented effectively can make Kaduna's Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Kaduna State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	KADUNA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KADUNA ACJL
106 - Abolition of lay prosecutions	119	<p>The Kaduna ACJL improves to the ACJA section.</p> <p>S 119(2) & (3) provides for synergy between the Office of the Attorney General and the Investigating Police Officer during the investigation of</p>

		offences carrying the death sentence.
7 - Prohibition of arrest in lieu of suspect	29	Same as ACJA
5 - No unnecessary restraint	27	Same as ACJA
6 - Notification of reason of arrest	28	Same as ACJA
8 - Human Treatment of suspect	30	Same as ACJA
9 - decency in search of persons and properties including search by same sex	31	S 31(3) of the Kaduna ACJL makes compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 the ACJA It does not make any exception for situations of Urgency or impracticability.
10 - mandatory inventory of properties of arrested person	32	Same as ACJA

<p>15 - video recording of facilities for recording interrogation process and confessional statements -Mandatory inventory of data of arrested persons</p>	<p>37</p>	<p>S 37 of the Kaduna ACJL is similar to the ACJA but adds key provisions which greatly improve the recording of arrests.</p> <p>S 37 (1)(d) introduced the recording of Bank Verification Number, DNA (whenever possible), national identity number, telephone number, and such other means of his identification of a suspect.</p> <p>S 37(4) of the Kaduna ACJL broadens the scope of the means by which a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase "video compact disc".</p> <p>S 15(4) of the ACJA uses the phrase</p>
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		<p>“retrievable video compact disc or such other audio visual means.” While S 37(4) uses the phrase “may be recorded electronically on a retrievable video or audio device”</p> <p>S 37 also adds two fresh subsections which diverge from the ACJA.</p> <p>37(6) Requires prosecutors to adduce evidence showing the voluntariness of a statement allegedly made voluntarily.</p> <p>S 37 (7) Provides that any objection to the admissibility of a confessional statement shall be recorded and be ruled upon at the issuance of the final Judgement.</p>
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16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	38	S 38 of the Kaduna ACJL is almost identical to the ACJA. S 38(2) improves on the ACJA and provides that the Central Criminal Records registry shall maintain both <u>manual</u> and <u>electronic</u> records of arrests, discharges, acquittals and convictions.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	39	S 39 of the Kaduna ACJL is almost identical to the ACJA. S 39 (4) adds to the particulars an interpreter is supposed to provide. Specifically, it adds that an interpreter shall provide a telephone number.
33 - Police report to supervising magistrates	52	Same as ACJA
34- Magistrate's oversight of police stations	52	Same as ACJA
293-294 - Remand proceedings	305, 306	Same as ACJA

17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	39, 123	39(2) Same as ACJA 123(7) Same ACJA
187 - Bondsmen engagement in bail management	200	Same ACJA

<p>270 - Effective use of plea bargain</p>	<p>282</p>	<p>Section 282 is similar to section 270 of the ACJA but differs as follows.</p> <p>1) Section 282 of the ACJL does not include section 270 (17) and (18) of the ACJA.</p> <p>2) The lack of section 270 (17) which protects against double jeopardy is mitigated by Section 250 of the Kaduna ACJL which states that <u>a Defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been convicted for or acquitted of an offence by a competent Court other than the offence charged, being an offence for which, apart from this Section, he might be convicted by virtue of</u></p>
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		<p>being charged with the offence charged.</p> <p>3) The lack of Section 270 (18) which prevent appeals to superior courts on matters resolved by plea bargain can be explained by the ruling of the Court of Appeal in Iboyi Kelly V FRN (2020 14, NWLR Pt. 1506 471) striking down the section.</p> <p>4) Section 282(2) of the ACJL also differs from S 270 (2) of the ACJA. S 282(2) of the ACJL removed the safeguards on the prosecutors’ decision to engage in plea bargaining set out in 270(2) (a)(b) & (c) of the ACJA. This is an unexplainable weakness of the Kaduna ACJL which creates room for mismanagement of</p>
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		plea bargaining in the State.
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306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	317	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	403(8)	<p>Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court, there is a possibility it will be restored by Legislative action)</p> <p>403(7) of the ACJL improves on the ACJA by giving dispensation to a transferred Judge to conclude part heard matters in his last Jurisdiction.</p>
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	387(2)	Same as ACJA
396(3) - Day to day trials	403(3)	Same as ACJA
396(4-5) - Restricted intervals of adjournments	403(4) and (5)	Same as ACJA

110 - Timeframe to commence and complete trials/assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	123	Same as ACJA
382- Assignment of cases to court within 15days of filling (or within timeframe stipulated by state ACJL)	389	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	258 -266	S 258-266 of the ACJL is almost identical to S 246-254 of the ACJA. S 246(1) of the ACJA provides that a witness in breach of the provisions on Court attendance will be liable to a fine of not less than N10, 000. S 258(1) differs from the ACJA as it provides for a fine of not less than N50, 000.

395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	402	Same as ACJA
319 - Compensation to victims of crime	330	Same as ACJA
396(6) - Award of costs against defense and prosecution	403(6)	Same as ACJA
491(1) - Misconduct proceedings for violating the Act or Law	491(1)(2)	S 491 of the Kaduna ACJL adds a second subsection which improves on the ACJA. S 491(2) gives broad powers to the Court to apply procedures which are not expressly provided for in the ACJL in order to meet the Justice of the case.
364 - Electronic recording of court proceedings	375	Same as ACJA

232 - Protection of witnesses including in economic and financial crimes cases	245	S 245 (4) (B) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.
328 - Seizure or forfeiture of proceeds of crimes	339	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	344	Same as ACJA
111- Return by Controller General of Correctional Services to AG	124	S 124(h) of the ACJL improves on the ACJA by adding that the name of the prosecutor of a suspect should be included as part of the information The Comptroller General of Prisons sends to the Chief Judge.
401 - Sentencing guidelines	408	Same as ACJA
221 - Prohibition of objections during trials	234	Same as ACJA

396(2) - Ruling of preliminary objections to charges deferred till judgment	403(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	466	Section 466 of the ACJL is almost Identical to the ACJA but adds to the list of committee members of the ACJMC. It adds a position for the Grand Khadi or Khadi, President, Customary Court of Appeal or Judge and the State Director of Department of Security Service or his representative.
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	200, 454(2)	Same as ACJA
CATEGORY B - (GESI) ACJA SECTION	KADUNA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KADUNA ACJL

9(3) Search by same sex	31	Unlike the ACJA which makes it possible to dispense with this requirement in case of emergencies S 31(3) of the Kaduna ACJL makes compulsory for the search of a suspect to be made decently by a person of the same sex. It does not make any exception for situations of urgency or impracticability.
12(3) Search of private premises occupied by a woman	34	Same as ACJA
167(3) Women standing sureties for bail	180	Same as ACJA
191 Married woman rights over her personal properties including against her spouse of customary marriage	204	S 204 of the ACJL is similar to that of the ACJA but drastically reduces the protection for the woman as envisaged by the ACJA.

		It removes the part of the S 191 of the ACJA which allows a married woman to enjoy Legal remedies against her husband as would any other man for the protection of her property.
404 and 415 Sentence of death of a pregnant woman to be suspended	411 and 422	Same as ACJA
CATEGORY C - COVID 19 ACJA SECTION	KADUNA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KADUNA ACJL
364 - Electronic recording of court proceedings	375	Same as ACJA

15(4) Electronic/video recording of interrogations and confessions	- 37	<p>S 37(4) of the Kaduna ACJL broadens the scope of the means by which a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase "video compact disc".</p> <p>S 15(4) of the ACJA uses the phrase "retrievable video compact disc or such other audio visual means." while S 37(4) Uses the phrase "may be recorded electronically on a retrievable video or audio device"</p>
232 - Use of virtual court hearing tools such as video conference in trials	245	S 245 (4) (B) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.

KANO STATE

Comment

The Kano State ACJL has sections which improve on the ACJA. It also has a good number of sections which fall short of the National Minimum Standards and take away the intention of the ACJA, particularly in the area of gender equality and plea bargaining. Generally, Kano State ACJL has elements which if implemented effectively can make Kano Criminal Justice system one of the best in the country

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Kano State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	KANO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KANO ACJL
106 - Abolition of lay prosecutions	S 269	Same as ACJA
7 - Prohibition of arrest in lieu of suspect	30	Same as ACJA
5-No unnecessary restraint	28	Same as ACJA
6 - Notification of reason of arrest	29	Same as ACJA
8-Human Treatment of suspect	31	Kano ACJL provision is exactly the same as ACJA.

9-decency in search of persons and properties including search by same sex	32	S. 32 of the Kano ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S.9 of the ACJA, the law does not make any exception for situations of urgency or impracticability.
10-mandatory inventory of properties of arrested person	33	Same as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	38	<p>38(6)(7) of the Kano ACJL are different from the ACJA provision.</p> <p>38 (6) states that a prosecutor who seeks to rely on a confessional statement shall show proof that it was made voluntarily.</p> <p>38(7) States that objection to the admissibility of a confessional statement shall be recorded and ruled upon during Judgment. (This is covered by section 396(2) of the ACJA)</p>

16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	39	Kano State ACJL is more detailed. S. 39(2) states that there shall be a manual record and an electronic record. This is a welcome development as the ACJA is silent on the nature of the record.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	40	Same as ACJA
33 - Police report to supervising magistrates	52	Same as ACJA
34- Magistrate's oversight of police stations	53	Kano ACJL Provision is almost the same as ACJA. Kano ACJL adds a section 53(5) which enables reporting of non-complying officers, police or otherwise to the Justice sector reform.

293-294 - Remand proceedings	295	Kano ACJL Provision is almost the same as ACJA. Section 295(1) rephrases Section 293(1) of the ACJA. Although both sections provide that a Magistrate lacking in jurisdiction may order for the remand of suspect, section 295 (1) makes the purpose of the section clearer as it uses better descriptive words and a longer sentence.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	40(2), 127	40(2) of the Kano ACJL is almost identical to the ACJA, however that subsection did not include “Justice of the Peace” as persons before whom a statement may be taken, as was provided for in S.17(2) of ACJA. 127(7) Same ACJA
187 - Bondsmen engagement in bail management	Nil	This is not present in Kano ACJL. This is a setback in the law.

270 - Effective use of plea bargain	272	<p>The Kano State ACJL provisions on plea bargaining are vastly different from ACJA.</p> <ol style="list-style-type: none"> 1) The ACJL does not have an equivalent of section 270(2)(a)(b)(c) of the ACJA. Effectively the Kano ACJL does not prescribe conditions (such as lack of prosecution evidence) that may determine when the prosecution may begin plea bargain negotiations. This leaves it open to prosecutors to begin negotiations in matters which may be better resolved by other means. 2) Section 272 (5)(i) of the ACJL narrows the first listed item the prosecution is to consider. It states that prosecution shall consider the
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		<p>“defendants willingness to cooperate in the investigation or prosecution of others <u>by providing relevant information for the prosecution of other defendants.</u>” The underlined phrase limits the scope of the defendants willingness to Co-operate. This underlined phrase is not in the ACJA.</p> <p>3) The Key parts of section 270(10) of the ACJA which stipulate that a presiding judge must consider whether there was undue influence in inducing a plea agreement is not present in the Kano ACJL. This leaves gaping room for abuse.</p> <p>4) The Kano ACJL in subsection 12</p>
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		<p>prescribes liability of 5 years imprisonment for interferers with forfeited sums. The ACJA in subsection 14 prescribes 7 years.</p> <p>5) Kano ACJL subsection 15 states that plea bargain agreements cannot be reach where the offences are relating to culpable homicide punishable with death, rape and other sexual offences, terrorism, unnatural offences, acts of gross indecency, thuggery, robbery, theft, drinking alcohol and related offences.</p> <p>6) The Kano State law does not have equivalents of the vital section 270 subsection 17 & 18 of the ACJA. (non-culpability for a greater offence after</p>
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		pleading guilty to a lesser offence).
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306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	307	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	S 390 (7)	<p>Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)</p> <p>Kano ACJL is more detailed on this subject and goes further to state in subsection 8 that the Judge or Magistrate who has been elevated will only return for the purpose of part heard matters and provided that this subsection shall not prevent him from assuming his new post. Subsection 9 also provides for a replacement Judge to take over part heard matters from the point of disruption</p>

		from an incapacitated or otherwise unavailable Judge.
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	376(2)	Same as ACJA
396(3) - Day to day trials	S 390(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	S 390(4)	Same as ACJA
110 - Timeframe to commence and complete trials	127	Same as ACJA

<p>382 -Assignment of cases to court within 15days of filling (or within timeframe stipulated by state ACJL)</p>	<p>378</p>	<p>Kano being a state has less matters to handle and thus set a shorter time line for assignment of a trial and issuance of notice of trial.</p> <p>Section 382 of the ACJA prescribes that an information filed is to be assigned by the Chief Judge to a court for trial within <u>15</u> working days and such a court is to issue notice of trial to the witnesses and defendants within <u>10</u> working days as well as that Such notice is then to be served by the chief registrar within <u>3</u> days.</p> <p>On the other hand Section 378 of the Kano ACJL prescribes form the same procedure (charge not information in this case) - <u>7, 5 & 3 working days respectfully.</u></p>
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246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	252 - 256 of the Kano ACJL are the same as 246 to 254 of the ACJA. 251-254 of the ACJA (WITNESSES EXPENSES) are not represented in the KANO ACJL	252 - 256 of the Kano ACJL are the same as the ACJA. 251-254 of the ACJA (WITNESSES EXPENSES) are not present in the Kano ACJL. This reduces the quality of the Kano Law as it pertains to witnesses and creates difficulty for the court officials upon whom witness expense administration will fall.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	389	Section 389 of the Kano ACJL is almost the same as section 390 ACJA. The Soft copy of the Kano ACJL used in this comparative analysis however, appears to have a typo which replaces the word “accused” in the sentence “Where a defendant is accused of a capital offence” with the word “Defendant”. The sentence in the Kano ACJL thus reads, “where a

		defendant is defendant of a capital offence”.
319 - Compensation to victims of crime	320	Same as ACJA
396(6) - Award of costs against defense and prosecution	390(6)	Same as ACJA
491 Misconduct proceedings for violating the Act or Law	Nil	<p>This is not present in the Kano ACJL.</p> <p>This is a setback in the law which creates ambiguity on what action should be taken when the law does not provide for a means of addressing non-compliance.</p>
364 - Electronic recording of court proceedings	364	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	239	S 239 (4) (b) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.
328 – Wrongful conversion or detention of	328	Same as ACJA

property and award of damages		
333 - The Court may order Seizure of things intended to be used in commission of crime.	333	Same as ACJA
111- Returns by Comptroller-General of Prisons to Chief Judicial officer of persons awaiting trial every 90 days.	128	Kano ACJL prescribes 90 days for both the returns and the amount of days (90) the suspect will have been in custody before inclusion the returns report. The ACJA uses 90 days & 180 Days respectively.
401 - Sentencing guidelines	395	Same as ACJA
221 - Prohibition of objections during trials	228	Same as ACJA
396(2) - Ruling of preliminary objections to charges deferred till judgment	390(20)	Same as ACJA
469 - Functioning of Administration of Criminal Justice	Nil	No equivalent provision in Kano ACJL. This is a huge challenge to monitoring the enforcement of the

Monitoring Committee		Administration of Criminal Justice Act.
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	No equivalent of 187(1) is found in the in the Kano ACJL. 457(2) - ACJA = 439(2)	For section 439(2) the Kano ACJL Provision is exactly the same as ACJA.
CATEGORY B - (GESI) ACJA SECTION	KANO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KANO ACJL
9(3) Search by same sex	32(3)	Same as ACJA
12(3) Search of private premises occupied by a woman	35(3)	Same as ACJA
167(3) Women can stand a surety	177(3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	S. 199	S199 of the ACJL is similar to that of the ACJA but drastically reduces protection for the woman as envisaged by the ACJA. It removes the part of the provision of the ACJA which allows a married

		woman to enjoy Legal remedies against her husband as she would any other man for the protection of her property.
404 and 415 Sentence of death of a pregnant woman to be suspended	398 and 208	Same as ACJA
CATEGORY C – COVID-19 ACJA SECTION	KANO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KANO ACJL
364 - Electronic recording of court proceedings	364	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	38(4)	Same as ACJA
232 - Use of virtual court hearing tools such as video conference in trials	239	S 239 (4) (b) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.

KATSINA

Comment

The Katsina State Administration of Criminal Justice Law 2021 is one of the recent laws enacted in the country. The Law incorporated some of the innovative provisions of the ACJA but left out other essential reformative sections which made the Law to fall short of the National Minimum Standards and took away the intention of the ACJA. Generally, Katsina State's ACJL has elements which if implemented will improve the Criminal Justice System of Katsina State. To further enhance the dispensation of criminal justice, it is recommended that the stakeholders should without delay incorporate the other laudable provisions of the ACJA which have been tested by the court and found worthy of judicial commendations and celebrated internationally to aid speedy dispensation of justice.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Katsina State in relation to the National Minimum Standards.

CATEGORY A - (KATSINA CRITICAL TO EQUIVALENT FUNCTIONING SECTION CRIMINAL JUSTICE) ACJA SECTION	TOEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KATSINA ACJL
106 - Abolition of lay prosecutions	197	Same as ACJA.
7 - Prohibition of arrest in lieu of suspect	24(2)	Same s ACJA
5 - No unnecessary restraint	26	Same s ACJA

6 - Notification of reason of arrest	27(1)	Same s ACJA
8 - Human Treatment of suspect	29	Same s ACJA
9 - decency in search of persons and properties including search by same sex	48(3)	Unlike S 9 of ACJA, the ACJL does not make any exception for situations of urgency or impracticability. It provides that where the arrested person is a woman, the search shall not be made except by a woman.
10 - mandatory inventory of properties of arrested person	43	Same s ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	28	Same s ACJA
16 - mandatory record of arrest and data of arrested persons and availability of central	50	S 50 is equivalent to S 16 of ACJA

criminal records at state and federal levels		
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	27 (2)(b) & (c)	Same as ACJA
33 - Police report to supervising magistrates	47	Same as ACJA but does not include subsections (4), (5) and (6).
34- Magistrate's oversight of police stations		No equivalent provision in Katsina ACJL. This is set back in realization of the objective of the Law.
293-294 - Remand proceedings		S 118 (2-4) of the ACJL has provisions identical to S 296 of ACJA on remand protocol. However, the Law does not specify how a remand application may be brought to the attention of the court.
17(2), 110(7) - Engagement with National Human	27(2) (b) & (c)	There are no exact provisions of S 17(2) and S 110 in the ACJL.

Rights Commission, Civil society organizations, and the public		The only equivalent provision that can be used in the ACJL for suspect to endorse his/her statement in the presence of a legal practitioner is contained in S 27(2) (a) & (c).
187 - Bondsmen engagement in bail management	Nil	No equivalent provision in the ACJL.
270 - Effective use of plea bargain	171	<p>Section 171 is equivalent to section 270 of the ACJA but with different subsections as follows.</p> <p>1. S 171(2) ACJL requires that consent of the victim must first be sought and obtained in offences affecting the human body before entering a plea bargain. Unlike the ACJA which has no such</p>

		<p>specific requirement.</p> <p>2. S 270(2) ACJA make provision for some safeguard in paragraphs (a-c) but such are non-existent S. 171 ACJL. The missing paragraphs are not in any way essential, in fact paragraph (a) shows lack of <i>prima facie</i> case.</p> <p>3. While S 270 (14) imposes 7 years term of imprisonment on anyone who willfully obstructs this provision, S. 171 does not prescribe any punishment.</p> <p>4. Section 171 of the ACJL does not include section</p>
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		<p>270 (17) & (18) of the ACJA.</p> <p>In <i>Chinaka Promise v. FRN CA/A/767/2019</i>, the Court of Appeal declared the provision of section 270(18) of ACJA to be conflict with the provision of section 241(1) (a) and (b) of the 1999 Constitution and thus unconstitutional and void. See also the case of <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i>.</p>
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	292	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	Nil	No equivalent provision.
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	Nil	S 198 only deals with filing of charge and no timeline is stipulated for the issuance of legal

		advice by the Attorney-General.
396(3) - Day to day trials	Nil	No equivalent provision.
396(4-5) - Restricted intervals of adjournments	Nil	No equivalent provision.
110 - Timeframe to commence and complete trials	Nil	No equivalent provision.

<p>246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses</p>	<p>151, 218-221, 315, 317, 350</p>	<p>S 151 ACJL is equivalent to S 246 of ACJA with its own variation. Unlike the ACJA, the ACJL does not have the equivalent of 246(1) (b) and (2).</p> <p>No equivalent provision of 247 is found in the ACJL.</p> <p>S 226 is equivalent to S 248 of ACJA but there is no provision in the ACJL to punish a witness for any refusal to obey the order of the court.</p> <p>Ss 218-221, 317 and 350 of the ACJL are equivalent to Ss 249-254 of ACJA but with some variations, these are highlighted below:</p> <ol style="list-style-type: none"> 1. Ss 218-220 of the ACJL are similar to S 249 of ACJA, but unlike the ACJA, S 220 of
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		<p>the ACJL provides that 'No witness, if he refuses to take an oath or make a solemn affirmation, shall be compelled to do so or asked his reason for so refusing but the Court shall record the nature of the oath or affirmation proposed, and the fact of the refusal of the witness together with any reason which the witness may voluntarily give for his refusal'. This is a departure from the provisions of the ACJA.</p> <p>2. S 317 of the ACJL is identical to S 250 of ACJA.</p> <p>3. S 350 of the ACJL is equivalent to S 251 of ACJA but</p>
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		unlike the ACJA, the ACJL provides that any criminal Court may if it thinks fit, remit the fees for the issue and service of any witness summons and order payment on the part of the Government at the reasonable expenses of any complainant or witness attending for the purpose of any trial, inquiry or other proceeding before such Court under this Law’.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	199	S 199 is equivalent to S 395 of ACJA.
319 - Compensation to victims of crime	351	Same as ACJA but improves on the

		provision with a new paragraph as 351(1) (a): in defraying expenses properly incurred in the prosecution. The addition is appropriate.
396(6) - Award of costs against defense and prosecution	Nil	No equivalent provision
491(1) - Misconduct proceedings for violating the Act or Law	Nil	No equivalent provision
364 - Electronic recording of court proceedings	223	S 223 is an equivalent provision for electronic recording of court proceedings.
232 - Protection of witnesses including in economic and financial crimes cases	Nil	<p>Although the Katsina ACJL does not have the exact provision of ACJA on witness protection, nonetheless there is a version of witness protection.</p> <p>S 222 of the ACJL provides that the court shall prevent the putting of irrelevant</p>

		<p>questions to witnesses and shall protect them from any language, remarks or gestures likely to intimidate them; and it shall prevent the putting of any question of an indecent or offensive nature unless such question bears directly on facts which are material to the case.</p> <p>S. 236 ACJL provides for special arrangement where the court may dispense with the attendance of the witness and may issue a commission to any court within the local limit in whose jurisdiction such witness resides to take the witness evidence.</p>
328 – Wrongful conversion or detention of property and award of damages	Nil	

333 – Seizure or forfeiture of proceeds of crimes	342	Though not the same but S 339 of the ACJL may be applied as an equivalent to S 333 of ACJA.
111- Return by Controller General of Correctional Services to AG	Nil	No equivalent provision.
401 - Sentencing guidelines	Nil	No equivalent provision.
221 - Prohibition of objections during trials	195	S 195 of the ACJL is equivalent to 221 of ACJA.
396(2) - - Award of costs against defense and prosecution	Nil	No equivalent provision in the ACJL.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	370	Same as ACJA
187 (1), 457 (2) & 490 – Exercise of powers of heads of court to make supplementary rules and guidelines	359	There are no equivalence for the provisions of Ss 187 (1) and 457 (2) of ACJA. S 359 of the ACJL is same as S 490 of ACJA.

CATEGORY B (GESI) SECTION	-KATSINA ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KATSINA ACJL
9(3) Search by same sex	48 (3)	Unlike the ACJA, S 90 ACJL provides that where an arrested person is a woman, the search shall not be made except by a woman. It does not make any exception for situations of urgency or impracticability.
12(3) Search of private premises occupied by a woman	87 (4)	87 of the ACJL is equivalent to S 12 (3) of ACJA.
167(3) Women standing sureties for bail	160	Equivalent to ACJA.
191 Married woman rights over her personal properties including against her spouse of customary marriage	Nil	No equivalent provision.
404 and 415 Sentence of death of a pregnant woman to be suspended	259 (5) and 300	Same as ACJA.

CATEGORY C – COVID-19 ACJA SECTION	KATSINA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KATSINA ACJL
364 - Electronic recording of court proceedings	223	While ACJA makes obligatory for electronic recording of Court proceedings, the ACJL make it mandatory. This is commendable.
15(4) - Electronic/video recording of interrogations and confessions	28 (4)	Same as ACJA
232 - Use of virtual court hearing tools such as video conference in trials	Nil	No equivalent provision in the ACJL

KEBBI STATE

Comment

The Kebbi State's ACJL has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards and take away from the intention of the ACJA. Generally, its ACJL has elements which if implemented effectively can make Kebbi's Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Kebbi State in relation to the National Minimum Standards.

CATEGORY A - KEBBI (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	KEBBI TO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KEBBI ACJL
106 - Abolition of lay prosecutions	121	The Kebbi ACJL does not improve the ACJA section for the following reasons:

		<p>S.121 (1) provides that a legal practitioner authorized by the Attorney or any other person can prosecute offences. This provision is open-ended because it does not define the phrase “any other person” thereby leaving room for ambiguity and possible conflicting interpretations by the courts.</p> <p>S. 121(2) still allows lay prosecution by the police.</p>
7 - Prohibition of arrest in lieu of suspect	28	Same as ACJA

5	-	No	26	<p>This provision is slightly different from the ACJA because it provides that a suspect or accused person <u>shall</u> not be handcuffed, bound or be subjected to restrain. The ACJA uses the word “may”. It is submitted that the word “may” used by the ACJA Section creates room for abuse by the police and other law enforcement agencies. Therefore, the Kebbi ACJL section is an improvement on the ACJA Section.</p>
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6- Notification of reason of arrest	27	Same as ACJA
8 - Humane Treatment of suspect	29	Same as ACJA
9 - decency in search of persons and properties including search by same sex	30	S 31(3) of the Kebbi ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 the ACJA It does not make any exception for situations of urgency or impracticability.
10 - mandatory inventory of properties of arrested person	31	Same as ACJA

<p>15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons</p>	<p>36</p>	<p>S. 36 of the Kebbi ACJL is similar to the ACJA but adds key provisions which greatly improve the recording of arrests.</p> <p>S. 36 (1)(d) includes the recording of Bank Verification Number, telephone number, and such other means of his identification of a suspect.</p> <p>S. 36 also adds two fresh subsections which differ from the ACJA.</p> <p>36(6) Requires prosecutors to adduce evidence showing the voluntariness of a</p>
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		<p>statement allegedly made voluntarily.</p> <p>S 36 (7) Provides that any objection to the admissibility of a confessional statement shall be recorded and be ruled upon at the issuance of the final judgment.</p>
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	37	<p>S 37 of the Kebbi ACJL is almost identical to the ACJA. S 37(2) improves on the ACJA and provides that the Central Criminal Records registry shall maintain both <u>manual</u> and <u>electronic</u> records of arrests, discharges,</p>

		acquittals and convictions.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	38	Same as ACJA
33 - Police report to supervising magistrates	50	S. 50 of the Kebbi ACJL is almost identical to Section 33 of the ACJA. S. 50(1) improves on the ACJA and provides that the Police or any of the authorized agencies can make the report to any other court available. Section 50(3) also improves on the ACJA by providing that the

		Magistrate can forward the report to the Justice Sector Reform Team in addition to the Administration of Criminal Justice Monitoring Committee (ACJMC)
34- Magistrate's oversight of police stations	51	S. 51 of the Kebbi ACJL is almost identical to Section 34 of the ACJA. S. 51(5) improves on the ACJA and goes a step further by providing that where the police authority refuses to treat the non-compliance of an officer in charge with the

		provisions of S. 51(3) as a misconduct under S. 51(4), any other body or person may make such report to the Justice Sector Reform Team.
293-294 Remand proceedings	- 304, 305	Same as ACJA
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	38, 125	39(2) Same as ACJA 123(7) Same ACJA
187 - Bondsman engagement in bail management	Nil	No identical or Equivalent Provision

270 - Effective use of plea bargain	281	<p>Section 281 is similar to section 270 of the ACJA but differs as follows.</p> <ol style="list-style-type: none"> 1) Section 281 of the ACJL does not include section 270 (17) and (18) of the ACJA. 2) The lack of section 270 (17) which protects against double jeopardy is mitigated by Section 249 of the Kebbi ACJL which states that <u>an accused charged with an offence is not liable to be tried for that offence where it is shown</u>
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		<p><u>that he has previously been convicted for or acquitted of an offence by a competent Court other than the offence charged, being an offence for which, apart from this Section, he might be convicted by virtue of being charged with the offence charged.</u></p> <p>3) The lack of Section 270 (18) which prevent appeals to superior courts on matters resolved by plea bargain can be explained by the decision of the</p>
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		<p>Court of Appeal in Iboyi Kelly V FRN (2020 14 NWLR PT 1745 479) striking down the section following the promulgation of the ACJA.</p> <p>4) Section 281(2) of the ACJL also differs with S 270 (2) of the ACJA. S 281(2) of the ACJL removed the safeguards on the prosecutor's decision to engage in plea bargaining set out in 270(2) (a)(b) & (c) of the ACJA. This is an unexplainable weakness of the Kebbi ACJL</p>
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		<p>which creates room for mismanagement of plea bargaining in the State.</p> <p>5) Section 281(2) of the ACJL also makes it mandatory ⁴ consent of the victim where the offence affects human body while the ACJA in 270(2) states that the prosecution may enter into a plea bargain with the consent of the victim; this means that the Kebbi ACJL only requires consent of the victim where the</p>
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		<p>offence affects the human body alone hence, in other offences the consent of the victim can be dispensed with. It is submitted that this provision is not a good law and should be reviewed.</p> <p>6) Section 281(15) of the ACJL provides that the provisions on plea bargaining shall not apply to offences relating to culpable homicide punishable with death, rape and other sexual offences, terrorism etc.</p>
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		The ACJA has no such provision.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	316	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	399(8)	<p>Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court, there is a possibility it will be restored by Legislative action)</p> <p>399(7) of the ACJL improves on the ACJA by giving dispensation to a transferred Judge to conclude part heard matters in his last Jurisdiction.</p>

		399(9) of the ACJL also improves on the ACJA by providing that where a Judge or Magistrate in a part-heard matter either retires, dies, dismissed or in any way incapacitated, a Judge or Magistrate assigned to take over the case, may continue with the case from where the former stopped.
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	385(2)	Same as ACJA

396(3) - Day to day trials	399(3)	Same as ACJA
396(4-5) - Restricted intervals of adjournments	399(4) and (5)	Same as ACJA
110 - Timeframe to commence and complete trials	125(1)(c)	Same as ACJA
382(1)– Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	387(1)	Section 387(1) provides that the Chief Judge shall take appropriate steps within 7 days from the date of filing for the charge to be assigned to a court for trial. The ACJA provides for 15 working days.
246-254 - Mandatory attendance of witnesses in court and sanction for	257 -265	S 257-265 of the ACJL is almost identical to S 246-254 of the ACJA. S 250(1)(c) of the ACJA provides that a witness in breach

default including payment of witness expenses		of the provisions on refusing to be sworn or to produce documents will be liable to 30 days in prison. S 2261(1)(c) diverges with the ACJA as it provides for 7 days in prison.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	398	Same as ACJA
319 - Compensation to victims of crime	329	S. 319 of the ACJA is almost identical to S. 329 of the Kebbi ACJL. S. 319(2) of the ACJA provides that: "...no payment additional to the fine shall be made..." where the fine which

		<p>is part of a final decision is subject to appeal. This means that the fine must be paid even where an appeal has been validly entered. S. 329(2) of the ACJL differs by providing that the compensation may not be paid when the period for appeal has not elapsed or an appeal has been entered. It is submitted that this provision of the ACJL is a better law compared to the ACJA for the following reasons:</p> <p>(a) it is conventionally wrong for a party to comply with an order of court which he has appealed against. The</p>
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		<p>ACJA did not provide that the fine be paid into the court's account. The very important question at this juncture is, should the defendant succeed on appeal and the order for appeal overturned, how will he get his money back?</p> <p>(b) The Kebbi state ACJL provision operates as automatic stay of execution of the monetary aspect of the judgment, the defendant does not have to file a stay of execution separately.</p>
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		(c) The ACJA uses the phrase “.no payment additional to the fine shall be made...” This is ambiguous because it is not clear where the additional payment is coming from.
396(6) - Award of costs against defense and prosecution	399(6)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	Nil	No identical or equivalent provision
364 - Electronic recording of court proceedings	373	Same as ACJA

232 - Protection of witnesses including in economic and financial crimes cases	244	S 244 (4) (B) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.
328 – Wrongful conversion or detention of property and award of damages	337	Same as ACJA
333 – Seizure or forfeiture of proceeds of crime	342	Same as ACJA
111- Returns by Controller General of Correctional Services to AG	126	S 126(2)(h) of the ACJL improves on the ACJA by adding that the name of the prosecutor of a suspect should be included as part of the information The Comptroller

		General of Prisons sends to the Chief Judge.
401 - Sentencing guidelines	404	Same as ACJA
221 - Prohibition of objections during trials	233	Same as ACJA
396(2) - Ruling of preliminary objections to charges deferred till judgment	399(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	479	Section 479 of the ACJL is almost Identical to the ACJA but adds to the list of committee members of the ACJMC. It adds the Chief Registrar of the High Court who shall be the secretary of the committee.

		<p>S. 479 does not provide for payment of allowances to members of the committee as provided in S 46(4) of the ACJA.</p> <p>Also, S. 479 of the ACJL merely provided that the committee shall be charged with ensuring effective and efficient application of the law but did not stipulate in specific details the functions of the committee as captured in Section 470(2) of the ACJA.</p>
187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	448(2)	<p>187(1) of the ACJA has no equivalent provision in the Kebbi ACJL.</p> <p>Section 448(2) of the Kebbi ACJL is the</p>

		same as S. 457(2) of the ACJA.
CATEGORY B - (GESI) ACJA SECTION	KEBBI EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KEBBI ACJL
9(3) Search by same sex	30	Unlike the ACJA which makes it possible to dispense with this requirement in case of emergencies S 30(3) of the Kebbi ACJL makes compulsory for the search of a suspect to be made decently by a person of the same sex. It does not make any exception for situations of urgency or impracticability.

12(3) Search of private premises occupied by a woman	33	Same as ACJA
167(3) Women standing sureties for bail	181	Same as ACJA
191 Married woman rights over her personal properties including against her spouse of customary marriage	203	<p>S 204 of the ACJL is similar to that of the ACJA but drastically reduces protection for the woman as envisaged by the ACJA.</p> <p>It removes the part of the S 191 of the ACJA which allows a married woman to enjoy Legal remedies against her husband as she would against any other man for the protection of her property.</p>

404 and 415 Sentence of death of a pregnant woman to be suspended	407 and 417	Same as ACJA
CATEGORY C - COVID 19 SECTION	KEBBI ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KEBBI ACJL
364 - Electronic recording of court proceedings	373	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	36(4)	Same as ACJA.
232 - Use of virtual court hearing tools such as video conference in trials	244	S 244 (4) (B) improves on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.

KOGI STATE

Comment

The Kogi State's ACJL is almost a wholesale adaptation of the ACJA. It also has its fair share of sections that fall short of the National Minimum Standards, particularly Section 291(1) which gives powers of Remand to Area Courts in the State, this is clearly a deviation from the intent of the ACJA. Generally, Kogi State's ACJL has elements which if implemented effectively can make Kogi's Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Kogi State in relation to the National Minimum Standards.

CATEGORY A -KOGI (CRITICAL TOEQUIVALENT FUNCTIONING SECTION CRIMINAL JUSTICE) ACJA SECTION	KOGI SECTION	COMPARATIVE ANALYSIS COMMENTS ON KOGI ACJL
106 - Abolition of lay prosecutions	104	<p>The Kogi ACJL improves to the ACJA section.</p> <p>S.104(2) provides where a legal practitioner, whether in private or public capacity prosecutes for an offence against the law of the state or on behalf of the state, such legal practitioner shall initiate or prosecute such case</p>

		subject to such general or specific direction as may be given by the Attorney General of the State.
7 - Prohibition of arrest in lieu of suspect	18	Same as ACJA
5 - No unnecessary restraint	16	Same as ACJA
6- Notification of reason of arrest	17	Same as ACJA
8 - Human Treatment of suspect	19	Same as ACJA
9 - decency in search of persons and properties including search by same sex	20	Same as ACJA.
10 - mandatory inventory of properties of arrested person	21	Same as ACJA

15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	26	Same as ACJA
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	27	S 27 of the Kogi ACJL is almost identical to the ACJA. S 27(2) improves on the ACJA and provides that the Central Criminal Records registry shall maintain both <u>manual and electronic</u> records of arrests, discharges, acquittals and convictions.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or	28	Same as ACJA

civil society organization		
33 - Police report to supervising magistrates	35	Same as ACJA
34- Magistrate's oversight of police stations	36	Same as ACJA
293-294 - Remand proceedings	291-292	Almost Identical with ACJA but gives powers of remand to an Area Court in Section 291(1). The ACJA does not empower Area Courts to remand suspects.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	28(2), 108(7)	28(2) Same as ACJA 108(7) is almost identical with ACJA but does not provide for the National Human Rights Commission to have access to the returns on request to the Chief Judge.

187 - Bondsman engagement in bail management	185	Same ACJA
270 - Effective use of plea bargain	268	<p>Section 268 is similar to section 270 of the ACJA but differs as follows.</p> <ol style="list-style-type: none"> 1) It introduced new provisions in S. 268(5)(a)(ii)(iii). 2) It omitted the provisions of the ACJA in S. 270(5)(a)(ii). <p>S. 268(18) has been held to be null and void by the Court of Appeal in Iboyi Kelly V FRN (2020 14 NWLR PT 1745 479)</p>
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	304	Same as ACJA
396(7) - Dispensation to elevated appellate justice to	394(7)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court, there is a

complete part-heard matters		possibility it will be restored by Legislative action).
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	374(2)	Same as ACJA but uses the phrase “14 working days” while the ACJA simply uses 14 days.
396(3) - Day to day trials	394(3)	Same as ACJA
396(4-5) - Restricted intervals of adjournments	394(4) and (5)	Same as ACJA
110 - Timeframe to commence and complete trials	108	Same as ACJA
382(1) – Assignment of cases to court within 15 days of filing (or within timeframe	380(1)	Same as ACJA

stipulated by state ACJL		
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	244 -252	Same as ACJA
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	393	Same as ACJA
319 - Compensation to victims of crime	317	Same as ACJA
396(6) - Award of costs against defense and prosecution	394(6)	Same as ACJA

491 Misconduct proceedings for violating the Act or Law	478	Same as ACJA
364 - Electronic recording of court proceedings	362	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	230	Same as ACJA
328 – Wrongful conversion or detention of property and award of damages	326	Same as ACJA
333 – Seizure or forfeiture of proceeds of crime	331	Same as ACJA
111- Return by Controller General of Correctional Services to AG	109	Same as ACJA.

401 - Sentencing guidelines	399	Same as ACJA
221 - Prohibition of objections during trials	219	Almost identical with S. 221 of the ACJA but provides that the objections can be taken before plea of the defendant.
396(2) - Ruling of preliminary objections to charges deferred till judgment	394(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	454	Section 454 of the ACJL is almost identical to the ACJA but adds to the list of committee members of the ACJMC. It adds the position for a Chief Magistrate.
187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	185 and 442(2)	Same as ACJA
CATEGORY B - KOGI (GESI) ACJA SECTION	-KOGI EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KOGI ACJL

9(3) Search by same sex	20(3)	Same as ACJA.
12(3) Search of private premises occupied by a woman	23(3)	Same as ACJA
167(3) Women standing sureties for bail	165(3)	Same as ACJA
191 Married woman rights over her personal properties including against her spouse of customary marriage	189	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	402 and 413	Same as ACJA
CATEGORY C - COVID 19 ACJA SECTION	-KOGI EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KOGI ACJL

364 - Electronic recording of court proceedings	375	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	26(4)	Same as ACJA
232 - Use of virtual court hearing tools such as video conference in trials	230	Same as ACJA

KWARA STATE

Comment

On the whole the Kwara State ACJL has about seven sections which improve on the ACJA. However, the ACJL is particularly defective on provisions relating to gender equality. Of note is the fact that the Kwara ACJL's plea bargain procedure is completely different from the ACJA. Whether it improves on or reduces the standard set in the ACJA is a matter of opinion, it does however appear to capture the fundamental principles (protection of the interest of the state, victim and offender) in the ACJA plea bargain sections. The Kwara State law is largely progressive. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Kwara State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	KWARA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON KWARA ACJL
106 - Abolition of lay prosecutions	113	S 113 of the ACJL is similar to that of the ACJA but adds two subsections which improve on the ACJA. 113(2) Mandates the Attorney General, upon receipt of a complaint of an

		<p>offence punishable by death to assign a law officer to investigate.</p> <p>113(3) Mandates the commissioner of police to inform the Attorney General within 7 days of the commission of an offence punishable by death.</p>
7 - Prohibition of arrest in lieu of suspect	23	Same as ACJA
5-No unnecessary restraint	21	Same as ACJA
6 - Notification of reason of arrest	22	Same as ACJA
8 -Human Treatment of suspect	24	Same as ACJA
9-decency in search of persons and properties including search by same sex	25	<p>S 25 of the ACJL is similar to the ACJA.</p> <p>S 25(3) differs from the ACJA. It states that where it is necessary to search a suspect, the search shall be made decently by a person of</p>

		the same gender. It reduces the power of the police to carry out searches on suspects of the opposite sex where necessary as it provides no exception to the rule in cases of emergency.
10-mandatory inventory of properties of arrested person	26	Same as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	31	<p>S 31 is very similar to the ACJA.</p> <p>S 31 adds to the list of items to be recorded from the suspect for the purpose of later identification. S 31 adds that the DNA (whenever possible), BVN, NIN, and telephone number of the suspect shall be taken.</p>
16 - mandatory record of arrest and data of arrested	32	Same as ACJA

persons and availability of central criminal records at state and federal levels		
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	33	Same as ACJA
33 - Police report to supervising magistrates	45	<p>S 45 is essentially the same as the ACJA. It removes subsection 6 of section 33 of the ACJA as it relates only to FCT specific officials.</p> <p>S. 45(3) of the ACJL also replaces the words “trends” in 33(3) of the ACJA with the word “modes”. This change does not appear to change the meanings of S45(3) of the ACJL and S 33(3) of the ACJA.</p>

34- Magistrate's oversight of police stations	46	S 46 is essentially the same as the ACJA. It removes subsection 4 of section 34 of the ACJA as subsection 4 addresses specific federal protocols.
293-294 - Remand proceedings	299- 300	<u>The sections differ from the ACJA</u> S 299 differ from the ACJA as it expands the scope of remand to all courts in the state unlike the ACJA which limits the scope to Magistrate Courts. S299 also adds a safeguard to the arbitrary use of remand as it states that no court shall order the remand of a suspect in custody unless it is satisfied that the original case file has been transmitted to the Attorney General. This safeguard is a clear improvement on the ACJA section.

		NB: 302 (1) also differs from the ACJA where it states that a remand order in the first instance shall be for a period of 21 days as opposed to the ACJA which prescribes 14 days.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	33(2), 117(7)	33(2) is essentially the same as the ACJA. It differs from the ACJA as it removes “justice of the peace” from the list of persons whom a suspect making a statement may opt to have present. 110(7) Same as ACJA
187 - Bondsmen engagement in bail management	194	Same as ACJA
270 - Effective use of plea bargain	276	S 276 of the Kwara ACJL differs from the ACJA. S 276 of the ACJL has 22 subsections while S270 of the ACJA has 18 sections. The Kwara

		ACJL's plea bargain procedure is completely different from the ACJA. Whether it improves on or reduces the standard set in the ACJA is a matter of opinion, it does however appear to capture the fundamental principles (protection of the interest of the state, victim and offender) in the ACJA plea bargain sections.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	311	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	397(6)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be

		restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	381	Same as ACJA
396(3) - Day to day trials	397(2)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	397(3),(4)	397(3) allows an initial 7 adjournments from arraignment to final Judgment unlike the 5 adjournments allowed in 396(4) of the ACJA.
110 - Timeframe to commence and complete trials	117	Same as ACJA
382 -Assignment of cases to court within 15days of filing (or within timeframe stipulated by state ACJL)	382	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including	252	S 252 of the ACJL increases the fine for a witness who neglects to attend Court in compliance with the requirements of a summons from

payment of witness expenses		N10,000 as set out in the ACJA to N50,000. This provision brings the fined sum up to date with current inflation. 253-260 - Same as ACJA
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	396	S 396 is similar to the ACJA. S 396 makes the automatic assignment of a legal practitioner to a person accused of capital offence subject to s 273 of the ACJL which provides that an accused has the right to defend himself during trial so long as the accused is informed of his rights and the consequences of doing so. This provision improves on the ACJA.
319 - Compensation to victims of crime	324	Same as ACJA
396(6) - Award of costs against defense and prosecution	Nil	This section is not present in the Kwara ACJL. Although the Court's powers to

		award costs are inherent or covered by the rules of the state court, having such a provision in the state ACJL could curtail frivolous adjournment.
491 - Misconduct proceedings for violating the Act or Law	485	485(2) of the ACJL improves on the ACJA by adding that the Court may apply any procedure that will meet the Justice of the case where there are no express provisions in the ACJL.
364 - Electronic recording of court proceedings	369	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	240	S 240 is similar to the ACJA. Unlike the ACJA S 240 (4)(b) makes witness protection available when the offence being tried is armed robbery, kidnapping, abduction and other crimes involving violence or threat. This improves

		on the standard of the ACJA.
328 – Wrongful conversion or detention of property and award of damages	333	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	338	Same as ACJA
111- Return by Controller General of Correctional Services to AG	118	Same as ACJA
401 - Sentencing guidelines	402	Same as ACJA
221 - Prohibition of objections during trials	228	S 228 ACJL is very similar to section 396(2) of the ACJA. It however provided that objection to a charge be taken “BEFORE” the plea and read at the time of final Judgment. S228 differs from S 221 of the ACJA which is worded in a way that appears to stop the taking of objections to a charge.

396(2) - Ruling of preliminary objections to charges deferred till judgment	228	S 228 ACJL is very similar to section 396(2) of the ACJA. It however provided that objection to a charge be taken "BEFORE" the plea and read at the time of final Judgment. S228 diverges from S 221 of the ACJA which is worded in a way that appears to stop the taking of objections to a charge.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	460	Same as ACJA
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	194(1)	194(1) Same as ACJA 457(2) Same as ACJA
CATEGORY B - (GESI) ACJA SECTION	KWARA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON JIGAWA ACJL

9(3) Search by same sex	25(3)	<p>S 25 of the ACJL similar to the ACJA.</p> <p>S 25(3) differs from the ACJA. It states that where it is necessary to search a suspect, the search shall be made decently by a person of the same gender. This takes away the power of the police to carry out searches on suspects of the opposite sex where necessary as it provides no exception to the rule in cases of emergency or impracticability.</p>
12(3) Search of private premises occupied by a woman	28(3)	Same as ACJA
167(3) Women standing sureties for bail	173	Same as ACJA

191-Married woman rights over her personal properties including against her spouse of customary marriage	200	S. 198 of the ACJL is similar to that of the ACJA but drastically reduces protection for the woman as envisaged by the ACJA. It removes the part of the provision of the ACJA which allows a married woman to enjoy Legal remedies against her husband as would any other man for the protection of her property.
404 and 415 Sentence of death of a pregnant woman to be suspended	405 and 416	Same as ACJA
CATEGORY C – COVID-19 ACJA SECTION	KWARA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON JIGAWA ACJL
364 - Electronic recording of court proceedings	369	Same as ACJA

15(4) - Electronic/video recording of interrogations and confessions	31(4)	<p>S 31(4) of the Kwara ACJL broadens the scope of the means by which a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase "video compact disc".</p> <p>S 15(4) of the ACJA uses the phrase "retrievable video compact disc or such other audiovisual means." While S 31(4) uses the phrase "may be recorded electronically on a retrievable video or audio device"</p>
232 - Use of virtual court hearing tools such as video conference in trials	240	<p>S 240 is similar to the ACJA. Unlike the ACJA S 240 (4)(b) makes witness protection available when the offence being tried is armed robbery,</p>

		<p>kidnapping, abduction and other crimes involving violence or threat. This improved on the standard of the ACJA.</p>
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LAGOS STATE

Comment

The Lagos State Administration of Criminal Justice Law 2021 is one of the recent laws enacted in the country. The Law incorporated some of the innovative provisions of the ACJA but left out other essential reformatory sections which made the Law to fall short of the National Minimum Standards and took away the intention of the ACJA.

Generally, Lagos State's ACJL has elements which if implemented will improve the Criminal Justice System of Lagos State. To further enhance the dispensation of criminal justice, it is recommended that the stakeholders should without delay incorporate the other laudable provisions of the ACJA which have been tested by the court and found worthy of judicial commendations and celebrated internationally to aid speedy dispensation of justice.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Lagos State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	LAGOS EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON LAGOS ACJL
106 - Abolition of lay prosecutions	252(1)	Section 252(1) of the ACJL has similar provisions to Section 106 of the ACJA but like the ACJA did not

		expressly abolish lay prosecution.
7 - Prohibition of arrest in lieu of suspect	4	<p>Same as ACJA but introduces a new subsection 2 to the effect that the provision does not apply to sureties.</p> <p>It is submitted that the new subsection 2 is a good law because it removes any form of ambiguity that may be created by the strict interpretation of subsection 1 of section 4.</p>
5 - No unnecessary restraint	2	The Lagos ACJL uses the phrase “shall not” be handcuffed, bound or subjected to restraint but the ACJA uses the phrase “may not”. It is submitted that the ACJL provision is a better law because it is clear and leaves no room for

		ambiguity or conjecture.
6- Notification of reason of arrest	3	Same as ACJA
8 - Human Treatment of suspect	12	The ACJL provision restricts the applicability of this provision to arrest by private persons alone and is silent on whether or not it applies to police officers and other law enforcement agencies.
9 - decency in search of persons and properties including search by same sex	5	S 5(2) of the Lagos ACJL makes compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 the ACJA It does not make any exception for situations of Urgency or impracticability.

10 - mandatory inventory of properties of arrested person	6	S. 6 of the Lagos ACJA is almost the same as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	9	<p>S 9 of the Lagos ACJL is similar to the ACJA but omits key provisions -.</p> <p>S. 9 does not instruct the recording of the alleged offence, date and circumstances of arrest, full name and residential address, height, photograph, fingerprint impressions and such other means of identification of a suspect. It also did not give a time frame for the recording as provided by ACJA.</p> <p>S 9(3) of the Lagos ACJL has similar provisions to S. 15(4) of ACJA.</p>

		S 15(4) of the ACJA uses the phrase “retrievable video compact disc or such other audio-visual means.” While S 9(3) uses the phrase “recorded on video”
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	370	Similar to ACJA and improves the ACJA by providing for the electronic storage of information on suspects and convicts.
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	3	S. 3 of the Lagos ACJL is similar to S. 17 of the ACJA but has no provisions for an interpreter as provided for in S. 17(3) and (4) of the ACJA.
33 - Police report to supervising magistrates	20	Section 20 of the Lagos ACJL differs from the ACJA as follows: It provides that officers in charge of

		<p>Police Station shall report to the nearest Magistrate within <u>three days</u> of arrest a record of the cases of all persons arrested without warrant within the limits of their respective station. It is pertinent to note that the ACJA provides the <u>last working day of every month</u> which is about one month. The ACJL provision is a better law because it aids speedy dispensation of justice which is one of the major goals of criminal justice administration.</p>
34- Magistrate's oversight of police stations	283	Same as ACJA

293-294 - Remand proceedings	264(1) & (2)	Same as ACJA
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	3(3)	<p>Section 3(3) of the ACJL is similar to 17(2) of the ACJA but does not include the proviso in the ACJA provision to the effect that the legal practitioner or any other person present shall not interfere with the making of the statement.</p> <p>The ACJL has no equivalent provision of Section 110(7) of the ACJA</p>
187 - Bondsmen engagement in bail management	138	<p>Same ACJA but adds a new provision in S. 138(8) as follows:</p> <p>“Every Bondsperson shall have the powers to arrest any defendant or suspect who is absconding or who he believes is trying to evade or avoid appearance in</p>

		<p>Court; if he cannot bring the person arrested within twelve (12) hours of the arrest before a Court, he shall hand the person arrested over to the Police who shall produce such person before the appropriate Court".</p> <p>The above provision is commendable and is captured in S. 188 of the ACJA.</p>
270 - Effective use of plea bargain	77	<p>Section 76 is similar to section 270 of the ACJA but diverges as follows:</p> <p>3) The lack of Section 270 (18) which prevent appeals to superior courts on matters resolved by plea bargain is in consonance with the decision of the Court of Appeal Iboyi Kelly</p>

		V FRN (2020 14 NWLR PT 1745 479) striking down the section following the promulgation of the ACJA.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	273	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	-	No similar provision This provision of the ACJA has been struck down by the Supreme Court, there is a possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	74	S. 74 of the Lagos ACJL is similar to S. 376 but does not provide a timeline for the issuance of the Attorney-General's legal advice. This is a shortfall of the ACJL and may work against the speedy dispensation of justice.

396(3) - Day to day trials	Nil	No similar or equivalent provision
396(4-5) - Restricted intervals of adjournments	Nil	No similar or equivalent provision
110 - Timeframe to commence and complete trials	78	S. 78 of the Lagos ACJL is similar to S. 110 of the ACJA but does not provide a timeline for the commencement of trial after filing a charge as stipulated in S. 110(3) of the ACJA. Again, this is a shortfall in the ACJL that requires amendment.
382(1) – Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL	252(2)	Same as ACJ
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	181-194	S.181-183 and 190 of the ACJL is identical to S 246-248 & 250 of the ACJA. S 184-187 of the ACJL introduces new provisions for the

		<p>attendance of a witness bound by recognizance, warrant for his arrest upon default and a fine of N5,000 as provided in S. 187 for default of compliance with S 185 and 186.</p> <p>Sections 188 and 189 of the ACJL provides for the issuance and service of writs of subpoena on a witness to compel his attendance in court. This provision, although, not expressly provided for in the ACJA has already been captured in Section 246 of the ACJA because a subpoena to a witness from court is a summons to that witness. It is submitted that this provision of the ACJL is unnecessarily a surplus.</p> <p>Sections 191-194 of the ACJL is identical</p>
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		to Sections 251-254 of the ACJA but S. 194 slightly diverges by providing that the amount of expenses and compensation payable to a witness shall be paid out of general revenue to the witness by the Accountant-General of the State while Section 254 of the ACJA provides for the amount to be paid out of the relevant vote as appropriated by the judiciary.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	259	Same as ACJA
319 - Compensation to victims of crime	289	Section 289 of the ACJL is not explicit as Section 319 of the ACJA. The ACJL

		<p>simply states in Subsection (1) of Section 289 that the victim may refuse, compensation or accept it but that where he accepts it or the defendant is imprisoned for non-payment. It shall be a bar to any other claim for compensation as regards the same injury.</p> <p>It is submitted that the above provision is a good law but the ACJL provision will be complemented if the ACJA provisions are borrowed and incorporated into the ACJL. The ACJA should also be amended to include this ACJL provision.</p>
396(6) - Award of costs against defense and prosecution	Nil	<p>Section 232 of the ACJL is similar to Section 396(6) and empowers the court to strike out the</p>

		charge and discharge the defendant or adjourn upon terms as the court may deem fit.
491 - Misconduct proceedings for violating the Act or Law	Nil	No similar or equivalent provision
364 - Electronic recording of court proceedings	245	Section 245 of the ACJL is identical to Section 364 of the ACJA but fails to provide for electronic recording of court proceedings as provided in S. 364(1) of the ACJA. This is a short fall that should be addressed by legislative amendment of the ACJL to aid speedy disposition of cases.
232 - Protection of witnesses including in economic and financial crimes cases	201	S 201 of the ACJL is not elaborate as Section 232 of the ACJA but simply provides that the court may exclude the public at any stage of the hearing on the grounds of public

		policy, decency or expedience.
328 – Wrongful conversion or detention of property and award of damages	Nil	No similar or equivalent provision
333 – Seizure or forfeiture of proceeds of crime	291	Same as ACJA
111- Return by Controller General of Correctional Services to AG	Nil	The lack of this provision in the ACJL is a major setback in criminal justice administration in the state and should be urgently addressed.
401 - Sentencing guidelines	Nil	No similar or equivalent provision.
221 - Prohibition of objections during trials	154	Section 154 of the ACJL allows the Court to permit or direct the addition of a new charge or add to or alter the original charge. Section 221 of the ACJL prohibits an objection during trial on grounds of an imperfect or erroneous charge. The ACJL provision is a better provision as it allows for objections after the charge is

		defendant and any error amendment. See Section ACJL.
396(2) - Ruling of preliminary objections to charges deferred till judgment	374(2)	Same as ACJA.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	375 and 376	Same as ACJA but called “Lagos State Criminal Justice Sector Reform Committee”
187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	138(1) and 344	<p>Section 138(1) of the ACJL is identical to Section 187(1) of the ACJA.</p> <p>Section 344 of the ACJL does not provide for the Chief Judge to make regulations with respect to the appointment of probation officers like the ACJA did in S. 457(2)</p>
CATEGORY B (GESI) SECTION	-LAGOS ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS

		COMMENTS ON LAGOS ACJL
9(3) Search by same sex	5 and 109(3)	S 5(2) of the Lagos ACJL makes compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S9 the ACJA It does not make any exception for situations of Urgency or impracticability. See also S. 109(3) of the Lagos ACJL which is impari material with S. 5(2) above.
12(3) Search of private premises occupied by a woman	7(3)	Same as ACJA
167(3) Women standing sureties for bail	118(3)	Same as ACJA

191 Married woman rights over her personal properties including against her spouse of customary marriage	144	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	302 and 311	<p>S. 302 of the ACJL is not identical to 404 of ACJA because it provides for substitution of death sentence with life imprisonment where a woman convicted of capital offence is pregnant unlike the ACJA that provides that the execution of the death sentence shall be suspended until the baby is weaned.</p> <p>S. 311 of the ACJL is almost identical to 415 of ACJA but creates a new subsection 4 which provides that an appeal can lie to the court of appeal on a finding of the trial court that the</p>

		<p>woman is not pregnant and if the court of appeal sees reason to reverse the finding, it shall substitute the sentence with life imprisonment.</p> <p>It is submitted that the rationale for substituting death sentence with life imprisonment for a woman convicted of a capital offence may be in the interest of the unborn child.</p>
CATEGORY C COVID 19 SECTION	-LAGOS ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON LAGOS ACJL
364 - Electronic recording of court proceedings	245	Section 245 of the ACJL is not identical to Section 364 of the ACJA because it fails to provide for electronic recording of court proceedings as provided in S. 364(1) of the ACJA. This is a short fall that should be

		addressed by legislative amendment of the ACJL to aid speedy disposition of cases.
15(4) - Electronic/video recording of interrogations and confessions	9(3)	<p>S 9(3) of the Lagos ACJL has similar provisions to S. 15(4) of ACJA.</p> <p>S 15(4) of the ACJA uses the phrase “retrievable video compact disc or such other audio visual means.” While S. 9(3) uses the phrase “recorded on vi</p>
232 - Use of virtual court hearing tools such as video conference in trials	201	S 201 of the ACJL is not elaborate as Section 232 of the ACJA but simply provides that the court may exclude the public at any stage of the hearing on the grounds of public policy, decency or expedience.

NASARAWA

Comment

The Nasarawa State ACJL is very similar to the ACJA and partially adopts the same numbering of the ACJA. The only major difference is the exclusion of remand proceedings and related sections from the Nasarawa State ACJL. Scholars are divided on whether magistrate's power to remand suspects accused of an offence outside the Jurisdiction of the Magistrate in question is the best practice. Save this dilemma, the Nasarawa ACJL meets all Minimum Standards set by the ACJA.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Nasarawa State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	NASARAWA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON NASAWARA ACJL
106 - Abolition of lay prosecutions	106	Same as ACJA.
7 - Prohibition of arrest in lieu of suspect	7	Same as ACJA.
5-No unnecessary restraint	5	Same as ACJA.

6 - Notification of reason of arrest	6	Same as ACJA.
8 -Human Treatment of suspect	8	Same as ACJA.
9-decency in search of persons and properties including search by same sex	9	Same as ACJA.
10-mandatory inventory of properties of arrested person	10	Same as ACJA
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	15	Same as ACJA.

16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	16	16(2) of the ACJL is similar to the ACJA but improves on the ACJA as it adds the requirement that the records in the registry be kept in both electronic and manual forms
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17	17(2) of the ACJL is similar to the ACJA but removes the option allowing the statement of a suspect to be recorded in the presence of a justice of the peace.
33 - Police report to supervising magistrates	33	33 (1)-(5) is the same as the ACJA. 33(6) of the ACJL is not included in the ACJL because it makes reference to forwarding of the report of arrest to the Chief Judge of the FCT High Court and the Attorneys General.

34- Magistrate's oversight of police stations	34	Same as ACJA.
293-294 - Remand proceedings	Nil	This is a lacuna in the law as it leaves persons awaiting trial in Nasawara state vulnerable to be detained in prison for an indefinite amount of time.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17(2), 110(7)	17(2) of the ACJL is similar to the ACJA but removes the option allowing the statement of a suspect to be recorded in the presence of a justice of the peace. 110(7) Same as ACJA
187 - Bondsmen engagement in bail management	186	Same as ACJA

270 - Effective use of plea bargain	269	<p>Same as ACJA</p> <p>NB; The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	298	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	382(7)	<p>Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a</p>

		possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	366	Same as ACJA
396(3) - Day to day trials	382(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	382(4) & (5)	Same as ACJA
110 - Timeframe to commence and complete trials	110	The Nasawara State ACJL excludes section 110 (5)(d) of the ACJA. This is in keeping with the Decision of the Nasawara State Legislature to diverge from all references to remand proceedings in the ACJA. (See Section 293 analysis above). The divergence of section 110 (5)(d) of the ACJA leaves persons

		awaiting trial in Nasawara state vulnerable to be detained in prison for an indefinite amount of time.
382 -Assignment of cases to court within 15days of filing (or within timeframe stipulated by state ACJL)	368	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	245-253	<p>245-253 of the ACJL is similar to the ACJA. Only Section 245(2) of the ACJL differs;</p> <p>245(2) differs from the ACJA. The section increases the fine for a witness who departs from the premises of the court with leave of the Judge from NGN 10,000 as set</p>

		by the ACJA to NGN 50,000. This improves on the ACJA as it updates the fine to match inflation.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	381	Same as ACJA
319 - Compensation to victims of crime	311	Same as ACJA
396(6) - Award of costs against defense and prosecution	382	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	464	Same as ACJA

364 - Electronic recording of court proceedings	352	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	231	Same as ACJA
328 - Wrongful conversion or detention of property and award of damages	320	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	325	Same as ACJA
111- Return by Controller General of Correctional Services to AG	111	Same as ACJA
401 - Sentencing guidelines	387	Same as ACJA
221 - Prohibition of objections during trials	220	Same as ACJA

396(2) - Ruling of preliminary objections to charges deferred till judgment	382(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	442	This ACJL section is similar to that of the ACJA, however it differs as it removed federal officers included in the ACJA as members of the ACJMC. This is a necessary change in adoption of the Act as Law.
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	186(1), 430(2)	Same as ACJA
CATEGORY B - (GESI) ACJA SECTION	NASARAWA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON NASARAWA ACJL
9(3) Search by same sex	9	Same as ACJA

12(3) Search of private premises occupied by a woman	12(3)	Same as ACJA
167(3) Women standing sureties for bail	166(3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	190	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	390, 402	Same as ACJA
CATEGORY C – COVID-19 ACJA SECTION	NASARAWA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON NASARAWA ACJL
364 - Electronic recording of court proceedings	352	Same as ACJA

15(4) - Electronic/video recording of interrogations and confessions	15(4)	Same as ACJA
232 - Use of virtual court hearing tools such as video conference in trials	231	Same as ACJA

**NIGER STATE IS YET TO PASS THE
ADMINISTRATION OF CRIMINAL JUSTICE LAW
(ACJL)**

OGUN

Comment

The Ogun State ACJL is similar to the ACJA in a lot of respect. Though it made improvements to the ACJA, the Ogun State ACJL also deleted some sections which makes it fall short of the National Minimum Standard in certain regards. All in all, the law is an improvement of the provisions of the ACJA which if implemented can make Ogun State's Criminal Justice system very effective. The obligation is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Ogun State in relation to the National Minimum Standards.

CATEGORY A – (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	OGUN EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OGUN ACJL
106 - Abolition of lay prosecutions	113	Same as ACJA.
5 - No unnecessary restraint	7	Same as ACJA.
6 - Notification of reason of arrest	8	S 8 of the Ogun ACJL is similar to the provision of the ACJA but adds a fresh subsection - Section 8 (2) (c) which provides

		that the suspect be informed of his right to refuse to answer any question or make or endorse any statement.
7 - Prohibition of arrest in lieu of suspect	9	<p>S 9(1) of the Ogun ACJL exempts sureties from the protection of being arrested in place of any other.</p> <p>S 9(2) Ogun ACJL provides for compensation in form of damages as a remedy for wrongful arrest where a person who ought not to have been arrested is arrested.</p>
8 - Human Treatment of suspect	10	<p>The Ogun ACJL makes improvements to the ACJA .</p> <p>S 10 (2) & 3 have additional provisions that a suspect in a civil</p>

		<p>wrong/breach of contract case shall not be paraded before the media for any reason.</p> <p>The Ogun ACJL provides compensations to a suspect who is acquitted of the offence(s) for which he was publicly paraded in form of - damages, an apology and a retraction of the negative publicity and places the responsibility of providing the compensation on the Agency which carried out the publicity.</p> <p>S 10(6) Ogun ACJL specifically identifies Part V Prohibition of Forcible Occupation of Landed Properties, Armed Robbery, Kidnapping, Cultism, Other Violent and Related Offences Law</p>
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		of Ogun State, 2016 as a law to be construed as applicable and part of S. 10 of the law.
9 - decency in search of persons and properties including search by same sex	11	<p>S 11 of the Ogun ACJL is similar to the ACJA but adds four (4) two fresh subsections.</p> <p>S 11 (5) mandates the police to make a report of the facts of any property taken from a defendant and empowers the Court to release such property or the portion thereof to the person charged or any other person as the Court may direct.</p> <p>S 11 (6) provides that property taken from the person who is not charged before a Court but released on the grounds that there</p>

		<p>is no sufficient reason to believe he committed an offence should be restored to such person.</p> <p>S 11 (7) Ogun ACJL is an equivalent of Section 11 ACJA.</p> <p>Where a qualified Medical Practitioner is unavailable, S 11(8) enables the Police Officer or any person acting in good faith under the direction of such qualified Medical Practitioner to make the examination of a person in custody to ascertain the facts which may afford such evidence as to the commission of the offence.</p>
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10 - mandatory inventory of properties of arrested person	12	<p>S 12(6) Ogun ACJL provides that property taken from a suspect may be released on terms or conditions as the Court considers necessary to impose.</p> <p>The requirement <u>‘on terms and conditions’</u> is absent in the ACJA.</p>
15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	17	<p>S. 17 Ogun ACJL is similar to the ACJA but adds key provisions which improve the recording of arrests.</p> <p>S.17 (4) improves on the ACJA equivalent by adding that if the suspect so desires, the confessional statement be made in the presence of a Legal practitioner of the suspect’s choice.</p> <p>It is noteworthy however that none</p>

		<p>compliance with the requirements of S.17 does not preclude the admissibility of the confession in evidence.</p> <p>S.17 (5) improves the ACJA by ensuring that where a confession is recorded on video, the said recording and copies of it must be produced and tendered in evidence at the trial of the suspect.</p>
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	18	<p>S 18 of the Ogun ACJL is almost identical to the ACJA.</p> <p>S.18 (3) specifies that decisions of the Court of Appeal and Supreme Court emanating from Ogun state be transmitted by the Attorney-General to the Central Criminal Records Registry.</p>

17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	19	<p>S 19 of the Ogun ACJL adds five (5) fresh subsections which greatly improves the provision of admissibility of confessional statement of the suspect.</p> <p>S. 19 (3) allows any of the persons specified in S 19 (2) who are present when the statement of the suspect is been taken to make an electronic recording of the process.</p> <p>S 19 (4) provides that such electronic recording must be processed immediately by the recorder in the presence of the Police officer taking the statement and a copy of the recoding be</p>
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		<p>given to such Police officer.</p> <p>S 19 (5) allows the suspect or any other person to tender the electronic recoding as evidence at the trial of the suspect.</p> <p>S 19 (6) & (7) provides that where an IPO denies the suspect of his right in subsection (3), (4) and (5), the Court on application of the suspect may direct the statement of the suspect tendered at the trial as inadmissible.</p> <p>This is a very innovative provision which will go a long way to curb the current illegal practices and tactics used by Police officers when taking suspect confession, thereby improving the Ogun criminal justice system.</p>
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33 - Police report to supervising magistrates	35	S 35 (4) identifies the Ogun State Citizens Rights Department as an addition to the National Human Rights Commission, Legal Aid Council and NGOs entitled to request a report from the Attorney General.
34- Magistrate's oversight of police stations	36	Same as ACJA.
293-294 - Remand proceedings	306-307	While S. 294 (1) ACJA indicates that the Court may remand the suspect in custody, S. 307(1) Ogun ACJL indicates the Court may remand the person in prison (now Correctional centre).
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society	19(2) 117(7)	S. 19 (2) is same as ACJA. S 117(7) of the Ogun State ACJL is similar to the ACJA but it

organizations, and the public		identifies and allows the Ogun State Citizens Right Department access to the returns made by the Courts to the Chief Judge.
187 - Bondsmen engagement in bail management	195	<p>S 195 of the Ogun State ACJL though similar to the ACJA provides few changes. It adds a fresh provision – S. 195 (2) which provides that the regulation referenced in S. 195 (1) will also contain the qualification for registrations of bonds persons and the grounds for revocation of their license.</p> <p>There is a discrepancy between the amount in words and the figure stated as punishment of a fine</p>

		<p>in S 195 (4). Whilst the amount in word states – One Million Naira, the figure states - N141, 000,000.00. This error should be corrected to prevent ambiguity in and misuse of S 195 (4).</p> <p>In terms of punishment of imprisonment, Ogun ACJL provides for 18 months compared to the ACJA which states 12 months. All in all, S. 195 (4) Ogun ACJL provides for a stricter punishment for engaging in bails bond services in contravention of the regulation or terms of license.</p> <p>In addition to the provision of the ACJA, S. 195 (7) Ogun ACJL further requires the bails</p>
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		<p>bondsperson to procure appropriate re-insurance as the Chief Judge may stipulate.</p> <p>S. 195 (9) allows the Chief Judge to summarily withdraw the registration of a bondsperson who contravenes the terms of his license.</p>
270 - Effective use of plea bargain	283	<p>S. 283 (1) – (18) is same as ACJA.</p> <p>It adds a fresh subsection (19) which states that reference to – Prosecutor in the section means the Attorney General.</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in</p>

		<p>conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
<p>306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal</p>	319	<p>S. 319 Ogun ACJL is similar to the ACJA. It adds two (2) fresh subsections.</p> <p>S. 319 (2) & (3) allows the Court to postpone the delivery of its decision where at the close of trial but before it delivered its final judgment or ruling on a no-case submission, there is evidence that an appeal has been entered at the Court of Appeal.</p>

396(2) - Ruling of preliminary objections to charges deferred till judgment	S. 410 (2)	Unlike the ACJA, S. 410 (2) Ogun ACJL allows the Court to consider an objection raised on the jurisdiction of the Court.
396(3) - Day to day trials	S 410 (3)	Same as ACJA.
396(4-5) - Restricted intervals of adjournments; 396(6) - Award of costs against defense and prosecution		The deletion of S 396 (4 – 6) ACJA from the Ogun ACJL is unexplainable and may encourage frivolous adjournment.
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	410 (4)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court, there is a possibility it will be restored by Legislative action).
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	389 (2)	The timeline provided in the Ogun ACJL for issuance of legal advice is excessively longer than the ACJA.

		<p>Whilst the ACJA provides 14 days, the Ogun ACJL provides 90 days which is against the spirit of speedy dispensation of justice of the ACJA.</p>
<p>376 (8 - 11) Information on legal representation</p>	<p>NIL</p>	<p>There is no provision for information on legal representation where a suspect wishes to be represented by way of Legal Aid or by any other organization providing free legal representation in the Ogun ACJL.</p> <p>The deletion of this provision absorbs the Chief Registrar from the responsibility of notifying the Legal Aid Council office or organizations providing free legal representation. This can create difficulty</p>

		for suspects who are seeking free legal representation and whose sole means of representation is legal aid.
110 - Timeframe to commence and complete trials	117	<p>Same as ACJA.</p> <p>S 117 (4) Ogun ACJL improves on the ACJA by making available a proviso that a trial of indictment shall not be vitiated or invalidated on the grounds stated in the subsection.</p>
382 - Assignment of cases to court within 15days of filing (or within timeframe stipulated by state ACJL)	396	<p>Same as ACJA.</p> <p>S 396 (2) set a longer timeline - 5 (five) day for service of Notice of Trial and information on a defendant in custody compare to the 3 (three) days provided in ACJA.</p>

246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	254 - 267	<p>The provisions of S 246-254 ACJA are almost identical to S. 254 – 267 of the ACJL except it added new key provisions which greatly improves the ACJA.</p> <p>There are 5 new sections: S. 259 - 262 and 267 which are not in the ACJA.</p> <p>S 259 makes it compulsory for a defendant who is bound by recognizance and has received a Subpoena or Notice to attend such session to attend a court session as a witness.</p> <p>S 260 allows the Court to issue a warrant of arrest against a person who is bound by recognizance to attend as a witness but fails with no</p>
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		<p>reasonable excuse to attend Court.</p> <p>S 261 provides that a witness who is not bound by recognizance may be summoned by a writ of subpoena.</p> <p>S 262 makes it the responsibility of the Registrar to prepare and deliver the writ of subpoena to the Sheriff for service.</p> <p>S. 267 makes it the duty of the Court to provide an interpreter.</p> <p>Whilst S. 251 ACJA is silent on who is responsible for prescribing the reasonable expense payable to the witness, S. 263 Ogun ACJL specifies that the Director of Public</p>
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		Prosecution shall be responsible for prescribing and approving such reasonable expenses which is payable to a witness
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	409	Same as ACJA. However, there is an omission in the wordings of the Law. The statement on who represents the State is incomplete.
319 - Compensation to victims of crime	332	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	507	Same as ACJA
364 - Electronic recording of court proceedings	377	Same as ACJA

232 - Protection of witnesses including in economic and financial crimes cases	239	Same as ACJA
328 – Wrongful conversion and detention of property and award of damages	341	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	346	Same as ACJA
111- Return by Controller General of Correctional Services to AG	118	Same as ACJA
401 - Sentencing guidelines	415	Same as ACJA
221 - Prohibition of objections during trials	228	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	485	S 485 of the Ogun ACJL is almost identical to the ACJA except with few adjustments.

		<p>S 469 (f) ACJA was deleted from the Ogun ACJL.</p> <p>S 485 (g) Ogun ACJL replaces the DG Legal Aid Council with Directors of the Department of Public Prosecutions and Citizens Rights.</p> <p>By S. 485 (h), the appointment of representatives of Civil Society to the ACJMC is by the Governor unlike in the ACJA which is by the ACJMC itself.</p>
187 (1), 457 (2), 490 – Exercise of powers of heads of court to make supplementary rules and guidelines	195 (1), 472, 506	<p>S. 195 (1) Ogun ACJL is same as ACJA equivalent.</p> <p>Unlike S. 457 (2) ACJA which empowers the Chief Judge to make regulations with respect to the</p>

		<p>appointment of probation officers amongst other things, S. 472 Ogun ACJL empowers the Attorney General upon consultation with the Commissioner for Youth and Sports and Women Affairs and Social Development in Ogun state to make the appointment of probation officers.</p> <p>S. 506 Ogun ACJL is same as ACJA equivalent.</p>
167 – Producing sureties sufficient to ensure a defendant's appearance	174	<p>S 174 Ogun ACJL is similar to the ACJA. It adds to existing subsection (4) and creates 2 new subsections.</p> <p>S 174(4) Ogun ACJL adds – <u>‘or on such grounds reckoned repugnant to good</u></p>

		<p><u>conscience, public policy and equity</u>'. This is an improvement to the ACJA.</p> <p>S 174 (3) enables the Court to impose conditions it deems necessary to ensure the information of a surety is verified.</p> <p>S 174 (5) mandates that a defendant will not be required to produce a civil servant or public officer as surety except the defendant himself is one.</p>
CATEGORY B - (GESI) SECTION	OGUN ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OGUN ACJL
9(3) - Search by same sex	11 (3)	Same as ACJA.

12(3) - Search of private premises occupied by a woman	14(3)	Same as ACJA.
167(3) - Women standing sureties for bail	174 (4)	S 174(4) Ogun ACJL adds – <u>‘or on such grounds reckoned repugnant to good conscience, public policy and equity’</u> . This is an improvement to the ACJA.
191 - Married woman rights over her personal properties including against her spouse of customary marriage	199	Same as ACJA. However, the Ogun ACJL’s proviso to this section recognizes the provision of any other Law.
404 and 415 -Sentence of death of a pregnant woman to be suspended	418 & 429	Same as ACJA
CATEGORY C - COVID 19 SECTION	OGUN EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OGUN ACJL

364 - Electronic recording of court proceedings	377	Same as ACJA
15 (4) - Electronic/video recording of interrogations and confessions	17 (4)	<p>S. 17 (4) of the Ogun ACJL is similar to the ACJA but makes additional provision for the confessional statement to be made in the presence of a Legal practitioner of the suspect's choice if the suspect so desires.</p> <p>None compliance with this requirement however does not preclude the admissibility of the confession in evidence.</p>
232 - Use of virtual court hearing tools such as video conference in trials	239	Same as ACJA

ONDO STATE

Comment

Ondo State was one of the first states to domesticate the ACJA. There are so many interesting provisions and innovations introduced in the law. However, there is the need for more improvements to meet the National Minimum Standards required for the implementation of the Law.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Ondo State in relation to the National Minimum Standards.

CATEGORY A - ONDO STATE (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	ONDO STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ONDO ACJL
106 - Abolition of lay prosecutions	94	S. 94 of the law provides that the A-G may commence criminal prosecution by exhibiting an information. It went further in subsection (3) to allow the A-G to exercise the veto in granting this power to any person. Also, S. 351 of the law provides that an information may be filed by the Attorney-General through the

		Director of Public Prosecution or any officer in his department, or by any other person authorized under the law to do so...
7 - Prohibition of arrest in lieu of suspect	4	Same as ACJA
5-No unnecessary restraint	5	Same as ACJA
6 - Notification of reason of arrest	3	Same as ACJA
8 -Human Treatment of Arrested Persons	6	Similar to the ACJA. However while the ACJA describes the person arrested as “suspect”, the Ondo State ACJL describes the arrested person as “person”.
9-decency in search of persons and properties including search by same sex	7(2) & 8	Similar to the ACJA. However, while the ACJA makes an exception as to where search by person of the same sex may be dispensed with, the ACJL makes no such exception.

10-mandatory inventory of properties of arrested person	7(7)	Same as ACJA
15 - video recording & facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	10(3)	<p>Section 10(3) of the Ondo State ACJL is by far one of the most revolutionary of the ACJLs.</p> <p>It makes considerable improvement to the ACJA by providing that “whenever any person, who is arrested, with or without warrant, volunteers to make a confessional statement, the police officer SHALL ENSURE THAT THE MAKING OR TAKING OF SUCH STATEMENT IS RECORDED IN VIDEO and the said recording and copies thereof may be produced at the trial provided that in the absence of video facility, the said statement shall be in the writing of the suspect or his nominee</p>

		<p>and in the presence of the legal practitioner of his choice who will endorse the statement, where such counsel is present, willing and ready to so endorse”.</p> <p>Therefore, unlike as in the ACJA, the video recording of confessional statement is compulsory, except where such facility is absent.</p> <p>Another improvement here is that, in addition to making the statement in Video, a legal practitioner of the suspect’s choice must be present, and must endorse the confessional statement made.</p>
16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	11	<p>The ACJL made further improvement to the ACJA.</p> <p>By section 11(4), where the person arrested is charged and tried, the Registrar of the Court shall on conclusion of the trial forward to the</p>

		<p>police, the decision of the court and the police shall make entry of the outcome of the decision of the court accordingly.</p> <p>And by S.11(5), the police officer in charge of the statement shall forward to the Central Criminal Record Registry on the first week of every month all record of arrest made.</p> <p>Furthermore, S.11(6) of the law provides that failure to abide by this section shall be seen a misconduct, and will be dealt with in accordance with the relevant Police Regulation under the Police Act.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or	10(3)	<p>The ACJL is not comprehensive on this. However, there are parchments of sections which makes reference to “legal practitioner of the suspect’s choice”. Example,</p>

civil society organization		<p>S. 10(3) and S. 3(2)(a) 7 (b) of the Law.</p> <p>Surprisingly too, unlike S. 17 of the ACJA which contemplates the engagement of the Legal Aid and CSOs, S. 10 of the ACJL made no such provision for intervention by these bodies.</p> <p>However, it is observed that despite this shortfall, these bodies may intervene pursuant to s. 27(4) of the law which permits them to request for the report of arrest made monthly by the police.</p>
33 - Police report to supervising magistrates	27	<p>S.27 of the law provides for police report to supervising magistrate. However, in the Ondo state ACJL, the magistrate is directed to send the report so received to the Chief Registrar of the High Court who shall, on request, present same to the ACJMC, the Legal Aid or to CSOs.</p>

34- Magistrate's oversight of police stations	28	Same as ACJA
293-294 Remand proceedings	- 269-271	<p>The Ondo State law improves on the ACJA in many respect.</p> <p>First, S. 269 provides that the application for remand shall be made on notice. This is an improvement to the ACJA which provides that such application be made exparte.</p> <p>Furthermore, just as in the ACJA, time limits for remand is clearly spelt out in the ACJL.</p> <p>According to S. 271 of the Law, where an order for remand is made, it shall be for a period not exceeding 100 days, and returnable within the same time. At the expiration of the time given, where the prosecution upon an application in writing shows good cause, the period of remand may be extended for an additional period of 30days and</p>

		<p>returnable within the same time.</p> <p>At the expiration of any of the periods above, the court is directed by the law to issue hearing notices to the Attorney General of Ondo State and the Director of Public Prosecution to appear before it on an adjourned date (not exceeding 30 days from the expiration of the time earlier given) to show cause why the person remanded should not be released unconditionally.</p>
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public		The law makes no clear provision on this
187 - Bondsmen engagement in bail management	172	Same as the ACJA

270 - Effective use of plea bargain	247	<p>The provision of the Law on plea bargain is not as elaborate as provided under the ACJA. For one, the consent or participation of the victim is not contemplated by the law. The procedure for plea bargain needs more elaboration to meet the minimum standard set by the ACJA.</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
306 - Abolition of stay of criminal trial proceedings on account of		<p>The Ondo State ACJL did not abolish stay of proceedings as captured under S. 306 of the ACJA.</p>

interlocutory appeal		
396(7) - Dispensation to elevated appellate justice to complete part-heard matters		Not provided for under the Ondo State ACJL. (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timelines for issuance of legal advice/filing of information by the Attorney General	95, 346	Section 95 of the Law provides that the AG shall have the power to issue legal advice. However, S. 346 allows the Director of Public Prosecution to act on behalf of the Attorney General in the issuance of the legal advice. Unlike the ACJA which provides for a 14 days' timeline, the ACJL of Ondo provides a longer period – 21 days.

396(3) - Day to day trials		Nil
396(4)-(5) - Restricted intervals of adjournments		Nil
110 - Timeframe to commence and complete trials	99(1)(c) & (d) and 352	S. 99 (1) (c) & (d) is the same as ACJA Case should be completed within 180 days.
382 -Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	352(1)	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	222	Similar to the ACJA. However, while the monetary fine under the ACJA is for a term not exceeding ten years, under the Ondo State law, it is for a term not less than five years.

395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	365	Same as ACJA
319 - Compensation to victims of crime	290	Same as ACJA
396(6) - Award of costs against defense and prosecution		Nil
491 - Misconduct proceedings for violating the Act or Law		Nil
364 - Electronic recording of court proceedings	334	No specific provision for e-recording in S. 334 of the law
232 - Protection of witnesses including in economic and financial crimes cases		Nil

328 – Wrongful conversion or detention of property and award of damages	297	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	298 & 299	Same as ACJA
111- Return by Controller General of Correctional Services to AG	100	Similar to the ACJA. Only that the particulars to be returned under the law is limited when compared with the ACJA
401 - Sentencing guidelines	371	Similar to the ACJA. However, the law makes more improvement to the ACJA via the introduction of an additional objective which the court must bear in mind before sentencing. S. 371(2)(h) provides for “Restoration: that is the objective of restoring social equilibrium or harmony to the society affected by the crime”

<p>221 - Prohibition of objections during trials</p>	<p>196 & 366(2)</p>	<p>S.366(2) of the ACJL provides that “after the plea of the defendant to the information or any charge has been recorded, it shall no longer be open to that defendant to raise at that court any objection to the validity of the charge or information.”</p> <p>In like manner, S. 196 of the Ondo State ACJL provides that “any objection to a charge for any formal defect on the face thereof shall be taken immediately after the charge has been read over to the accused and not later”</p> <p>The position under the Ondo state ACJL is perhaps a better draft compared to the discordant provisions of SS. 221 & 396(2) of ACJA.</p> <p>This is because under the Ondo state ACJL, any application intended to stay proceedings during trial is prohibited</p>
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396(2) - Ruling of preliminary objections to charges deferred till judgment		NIL. This provision is absent. Apparently because of the provision of Sections 366(2) and 196 of the Ondo State ACJL. Since objections after taking of plea is disallowed in Ondo, there is no need for this provision
469 - Functioning of Administration of Criminal Justice Monitoring Committee	426	Same as ACJA.
490 & 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	424	Same as ACJA
CATEGORY B - ONDO STATE COMPARATIVE (GESI) ACJAEQUIVALENT ANALYSIS COMMENTS SECTION SECTION ON ONDO ACJL		
9(3) Search by same sex	7(2)	Same as ACJA.

12(3) Search of private premises occupied by a woman	8(3)	Same as ACJA
167(3) Women standing sureties for bail	155 (3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	177	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	373(3) and 383	Same as ACJA
CATEGORY C – COVID-19 ACJA SECTION	ONDO STATE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON ONDO ACJL
364 - Electronic recording of court proceedings	334	While S. 364(1) of the ACJA encourages e-recording, this provision is missing in S.334 of the Ondo State ACJL.

<p>15(4) - Electronic/video recording of interrogations and confessions</p>	<p>10(3)</p>	<p>As earlier noted at another part of this analysis, S. 10(3) of the Ondo State ACJL is by far one of the most revolutionary of the ACJLs.</p> <p>It makes considerable improvement to the ACJA by providing that “whenever any person, who is arrested, with or without warrant, volunteers to make a confessional statement, the police officer SHALL ENSURE THAT THE MAKING OR TAKING OF SUCH STATEMENT IS RECORDED IN VIDEO and the said recording and copies thereof may be produced at the trial provided that in the absence of video facility, the said statement shall be in the writing of the suspect or his nominee and in the presence of the legal practitioner of his choice who will endorse the statement, where such</p>
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		<p>consent is present, willing and ready to so endorse”.</p> <p>Therefore, unlike as in the ACJA, the video recording of confessional statement is compulsory, except where such facility is absent.</p>
232 - Use of virtual court hearing tools such as video conference in trials	NIL	

OYO STATE

Comment

The Administration of Criminal Justice Law of Oyo State was passed into law in 2017 and by S. 481 of the ACJL it repealed the Criminal Procedure Law of Oyo State.

Like the ACJA, the Oyo ACJL introduced innovative concepts, which have been highlighted and comparatively analyzed in the table below.

Whilst the Oyo State's ACJL is similar to the ACJA, certain sections of the ACJA were omitted in the Oyo ACJL making it to fall short of the National Minimum Standards. The new sections that were added to the Oyo ACJL greatly improved on the ACJA and where implemented effectively; the Oyo ACJL can improve Oyo's Criminal Justice system. The onus is therefore on key Criminal Justice stakeholders to test the law and its innovative provisions.

The analysis presented in Table 26 underscores the relationship between the provisions of both laws, in terms of similarities and differences (if any) in relation to the National Minimum Standards.

CATEGORY A – (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	OYO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OYO ACJL
106 - Abolition of lay prosecutions	107	S. 107 Oyo ACJL improves on the ACJA by adding a fresh subsection.

		S 107(d) allows for prosecution of offences by police officers who are legal practitioners in addition to the categories provided for under the ACJA.
5 - No unnecessary restraint	7	Same as ACJA. However, Oyo ACJL generally differs in the language of the ACJA when referring to the arrested person. Whilst the ACJA uses the word – ‘suspect or defendant’, Oyo ACJL uses the word – ‘person’.
6 - Notification of reason of arrest	8	Same as ACJA
7 - Prohibition of arrest in lieu of suspect	9	Same as ACJA
8 - Human Treatment of suspect	10	Same as ACJA

9 - Decency in search of persons and properties including search by same sex	11	Same as ACJA
10 - Mandatory inventory of properties of arrested person	12	Same as ACJA
15 - Video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	17	<p>S 17 Oyo ACJL is similar to the ACJA and adds key provisions which greatly improve the recording of arrests.</p> <p>Unlike S.15 ACJA, the provision on video recording of confessional statement is located in S 18 (2) Oyo ACJL. S.</p> <p>S 17 (1) (d) (iv) improves on the ACJA by adding the words – <u>‘including but not limited to DNA samples</u> to the means of identifying an arrested person.</p> <p>S 17 (2) Oyo ACJL reduces the time for processing the</p>

		<p>recording of details of an arrested person to 24 hours unlike the ACJA which provides - <u>reasonable time not exceeding 48 hours.</u></p> <p>S 17 adds 2 fresh subsections – 17 (3) & (4) which diverges from the ACJA.</p> <p>S. 17 (3) Oyo ACJL provides for the records taken in S 17 (1) to be transmitted to the State Police Command which is an improvement on the ACJA.</p> <p>S. 17 (4) mandates the Commissioner of Police (CP) to transmit duplicate case file and records relating to offences to the Attorney-General (AG) within 2 weeks; and for the AG to provide legal opinion to the CP within 4 weeks of receiving the records of arrest.</p>
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		<p>This provision on timeline for transmitting of records of arrest and giving of legal opinion is an improvement to the ACJA.</p> <p>S 18 (2) Oyo ACJL deleted - <u>‘retrievable video compact disc or such other audiovisual means’</u> provided in S 15(4) ACJA and used the phrase – ‘the Police <u>shall</u> ensure that the making and taking of such statement <u>is recorded on video</u>’. The proviso to S 18(2) also states that – ‘in the absence of video facility, the said statement <u>shall</u> be in writing in the presence of a legal practitioner of his choice’.</p> <p>Unlike the ACJA, S 18 (2) Oyo ACJL makes no reference to <u>‘retrievable video compact disc</u> which makes the ACJL more technology sensitive.</p>
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		<p>The use of the word ‘shall’ for both ‘<u>recording on video</u>’ and ‘<u>writing in the presence of a legal practitioner of his choice</u>’ makes it mandatory.</p> <p>It is noteworthy however that the Oyo ACJL does not state whether or not, none compliance with the requirements of S.18 (2) precludes the admissibility of the confession in evidence.</p> <p>Also, it is important to note that the removal of audio devices completely in the Oyo ACJL as a means by which a suspect’s statement can be recorded reduces the scope of the means by which a suspect’s statement can be recorded. This can create negative consequences in the long term.</p>
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		S.18 (2) improves the ACJA by ensuring that where a confession is recorded on video, the said recording and copies can be produced and tendered in evidence at the trial of the suspect.
16 – Mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	309 (2)	<p>Oyo ACJL differs from the ACJA.</p> <p>Unlike the ACJA, the establishment of the Central Criminal Records Registry is by the High Court and not the Nigeria Police.</p> <p>S 309 (3) further provides that upon conviction, the persons’ bio-data and other information is to be obtained and kept at the registry, improving on the provisions of records of arrest in the ACJA.</p>
17 - Provision of legal support to arrested person and access to	18	S 18 Oyo ACJL is similar to the ACJA but differs in some regards.

lawyers of his/her choice, legal aid or civil society organization		<p>The Oyo ACJL does not include – ‘officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace’ as persons before whom a statement may be taken.</p> <p>S 18 (3) adds a fresh subsection which allows for the admittance of oral confession as evidence.</p> <p>Unlike the ACJA that requires only the suspect to endorse the statement, S 18 (6) Oyo ACJL also requires the legal practitioner or any person present when a statement is made by the suspect to also endorse the statement with his full particulars as a witness to the recoding of the statement.</p>
33 - Police report to supervising magistrates	34	<p>S 34 Oyo ACJL is very similar to the ACJA.</p> <p>S 34 (3) does not require the ACJMC to <u>analyse the</u></p>

		<u>reports and advice the AGF as to the trends of arrests, bail and related matters</u> as provided by the ACJA. Oyo ACJL only requires the ACJMC to forward the reports with <u>appropriate recommendations</u> to the Attorney-General.
34- Magistrate's oversight of police stations	35	Same as ACJA.
293-294 - Remand proceedings	292-293	Same as ACJA.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	18(1), 111(7)	<p>Unlike ACJA, S 18 (1) Oyo ACJL did not include 'Legal Aid Official or Civil Society Official or a Justice of the Peace' as persons before whom a statement may be taken.</p> <p>S 111 (7) slightly differs from the ACJA as it makes no provision for the National Human Rights Commission to have access to the returns.</p>

187 - Bondsmen engagement in bail management	186	Same as ACJA.
270 - Effective use of plea bargain	269	<p>Same as ACJA except for the arrangement of the subsections. S 269 (12) – (17) is not arranged in the same order as its equivalent provision in the ACJA.</p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
306 - Abolition of stay of criminal trial proceedings on account of	307	Same as ACJA.

interlocutory appeal		
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	397 (7)	Same as ACJA. (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action).
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	377(2)	S 377 (2) Oyo ACJL is slightly different from the provision of the ACJA as it gives the Attorney General 28 days from the receipt of the police case file to issue and serve a legal advice as opposed to the ACJA's 14 days.
396(3) - Day to day trials	397(3)	Same as ACJA.
396(4)-(5) Restricted intervals of adjournments	397(4)-(5)	Same as ACJA.

110 - Timeframe to commence and complete trials	111	S 111 Oyo ACJL is slightly different from the ACJA. It deleted the provision of S. 110 (1) (b) ACJA which deals with arrest to arraignment procedure upon receiving a first information report.
382 - Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	383	Same as ACJA.
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	245 - 253	S 245 (1) (b) Oyo ACJL improves the ACJA by adding a penalty of community service as an alternative to a fine or imprisonment provided in the ACJA.
395 - Mandatory legal aid/free legal representation to defendants in capital case or	396	Same as ACJA.

offences punishable by life imprisonment		
319 - Compensation to victims of crime	320	Same as ACJA.
396(6) - Award of costs against defense and prosecution	397(6)	Same as ACJA.
491 - Misconduct proceedings for violating the Act or Law	479	Same as ACJA.
364 - Electronic recording of court proceedings	365	Same as ACJA.
232 - Protection of witnesses including in economic and financial crimes cases	231	S 231 (4) Oyo ACJL deleted - offences under the Terrorism (Prevention) (Amendment) Act from the list of offences applicable to the section.
328 - Wrongful conversion and	329	Same as ACJA.

detention of property and award of damages		
333 - Seizure or forfeiture of proceeds of crimes	334	Same as ACJA.
111- Return by Controller General of Correctional Services to AG	112	Same as ACJA.
401 - Sentencing guidelines	402	Same as ACJA.
221 - Prohibition of objections during trials	220	Same as ACJA.
396(2) - Ruling of preliminary objections to charges deferred till judgment	397(2)	Same as ACJA.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	457	<p>The Oyo ACJL differs from the ACJA.</p> <p>S 457 (2) Oyo ACJL amended membership of the Committee. Unlike the ACJA, S 457 (2) (c), (d) & (k) includes - a Judge from</p>

		<p>each judicial division of the High Court; the Director of public prosecutions and the Deputy Chief Registrar as members of the Committee.</p> <p>Unlike S. 469 (4) ACJA which provides for allowances for members of the Committee, Oyo ACJL makes no provision for payment of allowance to members of the Committee.</p> <p>There is no time limit on the duration to serve on the Committee for Chairmen of local branches of the NBA unlike the ACJA which provides for 2 years only.</p>
187 (1), 457 (2), 490- Exercise of powers of heads of court to make supplementary rules and guidelines	186 (1), 445 (2), 478	<p>Same as ACJA. It adds a fresh subsection.</p> <p>S 478 (f) Oyo ACJL allows the Chief Judge to make rules concerning sentencing guidelines to</p>

		promote consistency in sentencing.
CATEGORY B - OYO (GESI) ACJA SECTION	EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OYO ACJL
9(3) - Search by same sex	11(3)	Same as ACJA
12(3) - Search of private premises occupied by a woman	14(3)	Same as ACJA
167(3) - Women standing sureties for bail	166(3)	Same as ACJA
191 - Married woman rights over her personal properties including against her spouse of customary marriage	190	Same as ACJA
404 and 415 - Sentence of death of a pregnant woman to be suspended	405 and 416	Same as ACJA

CATEGORY C - COVID 19 SECTION	OYO ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OYO ACJL
364 - Electronic recording of court proceedings	365	Same as ACJA
15 - recording of arrests	17	<p>Same with ACJA but improves on the ACJA. S 17 (2) Oyo ACJL reduces the time for processing the recording of details of an arrested person to 24 hours unlike the ACJA which provides - <u>reasonable time not exceeding 48 hours.</u></p> <p>The ACJL improves on the ACJA by adding new subsections via S 17 (3) and 17 (4).</p> <p>S 17(3) mandates that records of arrested persons be transmitted to the State police command.</p> <p>S. 17 (4) mandates the COP to transmit duplicate case file and records relating to offences to the AG</p>

		immediately within 2 weeks; and for the AG to provide legal opinion to the CP within 4 weeks of receiving the records of arrest.
15(4) - Electronic/video recording of interrogations and confessions	18(2)	S 18 (2) Oyo ACJL improves on the ACJA. In the absence of a video facility the statement shall be in writing in the presence of a legal practitioner of his choice or any other person of his choice.
232 - Use of virtual court hearing tools such as video conference in trials	231	Same as ACJA

OSUN STATE

Comment

The Administration of Criminal Justice Law of Osun State was passed into law in 2018.

The Osun State's ACJL is very similar to the ACJA. However, certain provisions of the ACJA were deleted from the Osun law thereby taking away from the intention of the ACJA and making the certain aspects of the law fall short of the National Minimum Standards. Generally, the Osun ACJL has elements which if implemented effectively can improve the Criminal Justice system of Osun State. The onus is on key Criminal Justice stakeholders to bring this law to life.

The analysis presented below underscores the relationship between the provisions of both laws, in terms of similarities and differences (if any) in relation to the National Minimum Standards (NMS).

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Osun State in relation to the National Minimum Standards.

CATEGORY A – (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	OSUN EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OSUN ACJL
106 - Abolition of lay prosecutions	103	Same as ACJA

7 - Prohibition of arrest in lieu of suspect	8	Same as ACJA
5 - No unnecessary restraint	6	Same as ACJA
6 - Notification of reason of arrest	7	<p>S.7 Osun ACJL is almost identical to the ACJA but it made two amendments.</p> <p>In addition to a suspect's right to free legal representation by the legal Aid Council, S. 7 (2) (c) Osun ACJL broadens this provision by including – “or “any other agency providing such service where applicable” thereby improving on the ACJA.</p> <p>S.7 deleted the phrase - <u>Provided the authority having custody of the suspect shall have the responsibility of notifying the next of kin or relative of the suspect of the arrest at no cost to the suspect.</u></p>

		This proviso in the ACJA mandates the relevant authority to notify the next of kin or relative of the suspect of his arrest. The removal of this proviso is a setback to the law.
8 - Human Treatment of suspect	9	Same as ACJA
9 - Decency in search of persons and properties including search by same sex	10	Same as ACJA
10 - Mandatory inventory of properties of arrested person	11	Same as ACJA
15 - Video recording of facilities for recording interrogation process and confessional statements - Mandatory	16	<p>S 16 Osun ACJL is similar to the ACJA but diverges by including and deleting certain provisions from the section.</p> <p>S. 16 Osun ACJL adds two fresh subsections - S. 16 (3) & (4) Osun ACJL.</p>

inventory of data of arrested persons		<p>S. 16 (3) Osun ACJL provides for transmission of arrest records to the State Police Command.</p> <p>S. 16 (4) Osun ACJL provides for the timeline for the issuance of the Attorney General's (AG) legal opinion.</p> <p>Unlike S.15 ACJA, the provision on video recording of confessional statement is located in S 17 (2) Osun ACJL and is same as its ACJA equivalent.</p>
16 - Mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	NIL	<p>The Osun ACJL makes no provision for the establishment of a Central Criminal Records Registry at the State Police Command.</p> <p>However, S. 16 (3) Osun ACJL provides for the transmission of arrest records to the State Police Command.</p>

17 - Provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17	<p>S. 17 Osun ACJL is almost identical to its ACJA equivalent except It did not include – ‘officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace’ as persons before whom a statement may be taken.</p> <p>S. 17 (1) only makes reference to a legal practitioner of his choice or any other person of his choice.</p>
33 - Police report to supervising magistrates	32	<p>The Osun ACJL is almost identical to its ACJA equivalent.</p> <p>By S. 32 (3) Osun ACJL the State Administration of Criminal Justice Monitoring Committee (ACJMC) is required to forward the reports with - <u>appropriate recommendations</u> to the AG.</p>

		<p>The use of the phrase - <u>appropriate recommendations</u> broadens the scope of the issues the ACJMC can advise the AG upon unlike the ACJA which specified - <u>advice on the trends of arrest, bail and related matters</u>.</p> <p>Unlike S. 33(4) ACJA which provides that – “The Attorney-General of the Federation <u>shall, upon request</u> by the National Human Rights Commission, the Legal Aid Council of Nigeria or a Non-Governmental Organization, make the report available to them, S. 32 (4) Osun ACJL uses the phrase – <u>may upon request</u>.</p> <p>The use of <u>may</u> means the requirement is not mandatory.</p>
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34- Magistrate's oversight of police stations	33	Same as ACJA
293-294 - Remand proceedings	288 - 289	The Osun ACJL is identical to the ACJA, however there is an error in the reference to S. 285 which ought to have stated S. 288.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17 (1), 107 (7)	<p>S. 17 (1) Osun ACJL is almost identical to its ACJA equivalent but diverges in certain aspects.</p> <p>The use of the phrase – <u>shall be taken</u> in S. 17 (1) Osun ACJL makes it a compulsory requirement for a suspect's statement to be made in the presence of a legal practitioner or any other person of his choice.</p> <p>S. 17 (1) Osun ACJL provides that – <u>a statement shall be taken in the presence of a legal practitioner of his choice, or where he has no legal</u></p>

		<p><u>practitioner of his choice, any other person of his choice.</u></p> <p>This is unlike its ACJA equivalent, S. 17 (2) which used the phrase – <u>may be taken</u> which make is non-mandatory.</p> <p>S. 17 (1) Osun ACJL only makes reference to a legal practitioner of his choice or any other person of his choice. It does not include – ‘officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace’ as persons before whom a statement may be taken.</p>
187 - Bondsmen engagement in bail management	182	Same as ACJA
270 - Effective use of plea bargain	265	Same as ACJA. The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA

		by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	301	Same as ACJA.
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	391 (7)	Same as ACJA. (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of	371(2)	Same as ACJA.

information by the Attorney General		
396(3) - Day to day trials	391 (3)	Same as ACJA.
396(4-5) - Restricted intervals of adjournments	391 (4-5)	Same as ACJA.
110 - Timeframe to commence and complete trials	107	<p>The Osun ACJL is identical to the ACJA, however it omitted the provisions of S. 110 (1) (b) ACJA.</p> <p>Therefore, under the Osun ACJL, criminal proceeding cannot be instituted in a Magistrate court by First Information Report</p>
382 - Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	377	Same as ACJA.
246-254 - Mandatory	241 – 249	Same as ACJA.

attendance of witnesses in court and sanction for default including payment of witness expenses		
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	390	Same as ACJA.
319 - Compensation to victims of crime	314	Same as ACJA.
396(6) - Award of costs against defense and prosecution	391 (6)	Same as ACJA.
491- Misconduct proceedings for violating the Act or Law	487	Same as ACJA.
364 - Electronic recording of court proceedings	359	Same as ACJA.

232 - Protection of witnesses including in economic and financial crimes cases	227	<p>The Osun ACJL is almost identical to the ACJA except it omitted the provision of S. 232 (4) (b) ACJA from the list of laws the Osun ACJL applies to.</p> <p>The Osun ACJL does not apply to offences under the Terrorism (Prevention) (Amendment) Act.</p>
328 – Wrongful conversion or detention of property and award of damages	323	Same as ACJA.
333 - Seizure or forfeiture of proceeds of crimes	328	Same as ACJA.
111- Return by Controller General of Correctional Services to AG	481	Same as ACJA.
401 - Sentencing guidelines	396	Same as ACJA.

221 - Prohibition of objections during trials	216	Same as ACJA.
396(2) - Ruling of preliminary objections to charges deferred till judgment	391 (2)	Same as ACJA.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	464	<p>S. 464 Osun ACJL is almost identical to its ACJA equivalent but diverges in certain aspects.</p> <p>S. 464 (2) (g) Osun ACJL states that the Chairman of any of the Local Branch of the Nigeria Bar Association is to be nominated by the Chief Judge. This provision on nomination is a new development which is absent in the ACJA.</p> <p>S. 464 (2) (i) Osun ACJL provides that the representative of the Civil Society Organization is to be appointed by the Chief Judge unlike the ACJA</p>

		<p>which provides that the appointment is by the Committee.</p> <p>The Osun ACJL makes no provision for the mode of resignation for members of the Committee unlike its ACJA equivalent.</p> <p>It deleted S. 469 (3) ACJA.</p>
187(1), 457(2) and 490- Exercise of powers of heads of court to make supplementary rules and guidelines	182 (1), 486	The Osun ACJL deleted the provision of S. 457 (2) ACJA.
CATEGORY B - (GESI) ACJA SECTION	OSUN EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OSUN ACJL
9(3) - Search by same sex	10 (3)	Same as ACJA
12(3) - Search of private premises occupied by a woman	13 (3)	Same as ACJA

167(3) - Women standing sureties for bail	162 (3)	Same as ACJA
191 - Married woman rights over her personal properties including against her spouse of customary marriage	186	Same as ACJA
404 and 415 - Sentence of death of a pregnant woman to be suspended	399 and 410	Same as ACJA
CATEGORY C - COVID 19 ACJA SECTION	OSUN EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON OSUN ACJL
364 - Electronic recording of court proceedings	359	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	17 (2)	Same as ACJA

232 - Use of virtual court hearing tools such as video conference in trials	227	Same as ACJA
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PLATEAU STATE

Comments

The Administration of Criminal Justice Law of Plateau State was passed into law in 2018.

The Plateau ACJL consists of 51 Parts and 491 sections which combine to provide a holistic mechanism for effective criminal justice administration in the state.

The Plateau State's ACJL has sections which greatly improved on the ACJA. It also has few of its sections which fall short of the National Minimum Standards that undermined the true intentions of the ACJA. Generally, the ACJL introduced commendable innovations to the law and it is safe to recommend that the ACJA be amended to reflect some of these innovations. The law has elements which if implemented effectively can make Plateau's Criminal Justice system one of the best in the country. The Plateau law makers ought to be commended for their Legislative dexterity. The onus is now on key Criminal Justice stakeholders to bring this law to life.

The analysis presented in the Table below underscores the relationship between the ACJA and the ACJL provisions, in terms of similarities and differences (if any) in relation to the National Minimum Standards (NMS).

CATEGORY A -PLATEAU (CRITICAL TOEQUIVALENT FUNCTIONING SECTION CRIMINAL JUSTICE) ACJA SECTION	COMPARATIVE ANALYSIS COMMENTS ON PLATEAU ACJL
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106 - Abolition of lay prosecutions	118	The Plateau ACJL adopted the provision of ACJA. However, in S. 118(2) the law included a proviso which allows police officers to prosecute offences triable by any Magistrate Court.
7 - Prohibition of arrest in lieu of suspect	26	Same as ACJA
5-No unnecessary restraint	24	Same as ACJA
6 - Notification of reason of arrest	25	Same as ACJA
8 -Human Treatment of suspect	27	Same as ACJA
9-decency in search of persons and properties including search by same sex	28	S.28(3) of the Plateau ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. The law does not make any exception for situations of urgency or impracticability as contained in ACJA.

10-mandatory inventory of properties of arrested person	29	<p>Plateau State ACJL provision is more detailed. It improved on the provision on ACJA</p> <p>S. 29(5) prescribed sanction of a term of imprisonment of not less than 90 days for the offence of interference with the due administration of justice.</p> <p>S. 29(7) provides that the owner of the property or any other person interested in the property may apply to the court for the property to be released to him, where the police officer refuses to release the property in compliance with the provision of subsection (6) of that section.</p> <p>This is a welcome development as the ACJA is silent on these issues.</p>
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15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	34, 36	<p>S 34 of the Plateau ACJL is similar to S. 15 of the ACJA but differs as follows:</p> <p>S.34 (1)(d)(iv) &(v) includes the recording of Bank Verification Number, DNA and/or telephone number and such other means of his identification of a suspect. This was not captured by the ACJA provision.</p> <p>S. 34(2) prescribes a shorter time for the recording of arrest. It states that the process of recording arrest shall be concluded within a reasonable time of the arrest of the suspect, but <u>not exceeding 24 hours</u>. On the other hand, ACJA in S. 15(2) prescribe a period not exceeding 48 hours.</p> <p>S. 36(2) of the Plateau ACJL is an equivalent of section 15 (4) of the ACJA</p> <p>Plateau ACJL broadens the scope of the means by which</p>
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		<p>a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase "video compact disc". S 15(4) of the ACJA uses the phrase "retrievable video compact disc or such other audio-visual means." While S 36(2) uses the phrase "may be recorded electronically on a retrievable video or audio device".</p> <p>S 36(2) improved on S.15(4) of ACJA by adding the requirement that the confessional statement shall be in writing and made in the presence of a legal practitioner of the suspect's choice who shall endorse same by appending: his name; his address; his telephone; his signature and the date on which he signed. This was not captured in the ACJA provision.</p>
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		<p>S. 36(3) of the ACJL further provides that in a situation where the legal practitioner refuses to endorse the confessional statement, such refusal will not render the confessional statement inadmissible.</p> <p>S. 36 also added two fresh subsections which improved on the ACJA.</p> <p>36(8) Requires prosecutors to adduce evidence showing the voluntariness of a statement allegedly made voluntarily.</p> <p>S 36(9) Provides that any objection to the admissibility of a confessional statement shall be recorded and be ruled upon at the delivery of the final Judgement.</p> <p>The improvements introduced in Plateau ACJL is highly commended.</p>
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16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	35	<p>S 35 of the Plateau ACJL is almost identical to the ACJA. However, S 35(2) improves on the ACJA and provides that the Central Criminal Records registry shall maintain both <u>manual and electronic</u> records of arrests, discharges, acquittals and convictions.</p> <p>The ACJA was silent on the nature of the record. This is thus, a welcome development.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	36	<p>The Plateau ACJL improved on the ACJA provision.</p> <p>S. 36(1) added the phrase “the taking of the statement shall be concluded within a reasonable time.” This was not reflected in S. 17(1) of ACJA.</p>

		S. 36 of the ACJL merged some provisions from S. 15 and 17 of the ACJA
33 - Police report to supervising magistrates	48	<p>The ACJL in S.48(1) provides for a quarterly report to be made to the Magistrate as against the monthly report prescribed by S. 33(1) of the ACJA. It states “An officer in charge of a police station or an official in charge of an agency authorized to make arrest shall, on the last working day of every third month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.”.</p> <p>All other subsections are the same as the provisions of the ACJA.</p>

<p>34- Magistrate's oversight of police stations</p>	<p>49</p>	<p>Plateau ACJL improved on the provision of the ACJA. Some of the provisions are similar however, there exist some differences:</p> <p>The law in S.49(1)(a) prescribes that “any Magistrate designated by the Chief Judge to carry out such visit shall <u>at least every quarter</u> conduct an inspection of police stations and other places of detention within his territorial jurisdiction other than the prison.” The ACJA on the other hand prescribes a shorter time it states “any Magistrate designated by the Chief Judge for that purpose, shall, <u>at least every month</u>, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.”</p> <p>The Plateau law by S. 49(1)(b) introduced a new provision which states that</p>
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		<p>for the purpose of the visit, the visiting magistrate may invite the Legal Aid Council of Nigeria, the National Human Rights Commission or any Civil Society organization involved in access to justice and human right.</p> <p>The ACJA was silent on this. Thus, this is a welcomed development.</p> <p>Plateau ACJL in S. 49(2)(a) introduced a new provision which states that the visiting Magistrate “may inspect the detention facility where suspects are kept”. This was not captured in the ACJA provision.</p> <p>This is another welcomed development.</p>
293-294 - Remand proceedings	305, 306	Same as ACJA

17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	36(4), 123(7)	<p>The Plateau ACJL made elaborate provisions which reflected the engagement of and with the National Human Rights Commission, Civil Society Organizations and the Public</p> <p>36(4) of the Plateau ACJL is almost identical to the ACJA, however that subsection did not include “Justice of Peace” as persons before whom a statement may be taken, as was provided for in S.17(2) of ACJA.</p> <p>123(7) Same as S. 110(7) of the ACJA</p>
187 - Bondsmen engagement in bail management	200	Same as ACJA
270 - Effective use of plea bargain	282	The Plateau State ACJL provisions on plea bargaining are considerably similar to the ACJA provisions. However, there are some differences, some of which are improvements

		<p>to the ACJA provision on plea bargain.</p> <p>The ACJL does not have an equivalent of section 270(2)(a)(b)(c) of the ACJA. The ACJL in S. 282(2) does not prescribe the conditions that may determine when the prosecution may begin plea bargain negotiations. It only state that “<u>in any offence affecting the human body, the consent of the victim must first be sought and obtained before entering into a plea bargain</u>”.</p> <p>This leaves it open to prosecutors to begin negotiations in matters which may be better resolved by others means.</p> <p>S. 282 (5)(i) of the ACJL narrows the first listed item the prosecution is to consider. It states that persecution shall consider the “defendant’s willingness to cooperate in the</p>
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		<p>investigation or prosecution of others by <u>providing relevant information for the prosecution of other defendants.</u>” This limits the scope of the defendant’s willingness to co-operate. This underlined phrase is not in the ACJA.</p> <p>S. 282 (11)(b) of the ACJL states that “where the presiding Judge or Magistrate is of the view that he would have imposed a lesser sentence than the sentence agreed, <u>he shall inform the prosecutor of such lesser sentence than the sentence agreed</u>”. The ACJA provision did not capture the underlined phrase.</p> <p>S. 282(14) prescribes <u>a term of imprisonment of 5 years without an option of fine</u> as sanction for any person who, willfully and without just cause, obstructs or impedes the vesting or</p>
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		<p>transfer of any money, asset or property under the Law. On the other hand, S. 270(14) of the ACJA prescribes <u>a term of imprisonment of 7 years without an option of fine.</u></p> <p>S. 282(15) of the ACJL outlined options which are open to the prosecutor who has been informed of the lesser sentence. This provision was not captured in the ACJA.</p> <p>S. 282 (18) of the ACJL states that “capital offences and sexual related offences shall be excluded from plea bargaining.” This was not captured in the ACJA provision.</p> <p>S. 282 of the ACJL does not have an equivalent provision of section 270 (17) and (18) of the ACJA.</p>
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		<p>The lack of section 270 (17) which protects against double jeopardy is mitigated by Section 250(1)(c) of the Plateau ACJL which states that a <u>Defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been convicted for or acquitted of an offence by a competent Court other than the offence charged, being an offence for which, apart from this Section, he might be convicted by virtue of being charged with the offence charged.</u></p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its</p>
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		inconsistency with the provisions of the Constitution.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	317	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	403(8)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	387(2)	Same as ACJA
396(3) - Day to day trials	403(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	403(4) and (5)	S.403(4) of the Plateau ACJL provides that the intervals between each adjournment shall not <u>exceed 21 working</u>

		<p><u>days</u> as against <u>fourteen (14) working days</u> prescribed by S.396(4) of the ACJA.</p> <p>S.403(5) of the ACJL is similar to S.396(5) of the ACJA. They both prescribe that “the interval between one adjournment to another shall not exceed seven days inclusive of weekends.”</p>
110 - Timeframe to commence and complete trials.	123	Same as ACJA
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	258 -266	S. 258-266 of the ACJL is similar to S. 246-254 of the ACJA.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences	402	Same as ACJA

punishable by life imprisonment		
319 - Compensation to victims of crime	330	Same as ACJA
396(6) - Award of costs against defense and prosecution	403(6)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	Nil	<p>This provision was not reflected in the Plateau ACJL.</p> <p>This is not a welcomed development.</p>
364 - Electronic recording of court proceedings	375	<p>S. 375 of the ACJL is similar to the provisions of 364 of ACJA. However, the ACJL prescribes a longer time for the printing of the transcript. It states that “The transcript of previous recording may be printed to enable certification or authentication by the Judge or Magistrate who conducted the proceedings <u>before the next adjourned</u></p>

		<u>date.</u> ” Meanwhile, S. 364(1) of the ACJA provides that <u>“at the end of each day’s proceeding</u> a transcript of such recording shall be printed to enable certification or authentication by the judge or magistrate who conducted the proceedings.”
232 - Protection of witnesses including in economic and financial crimes cases	245	S 245 (4) (b) & (d) of the ACJL improved on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.
328 – Wrongful conversion or detention of property and award of damages	339	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	344	Same as ACJA
111- Return by Controller General of Correctional Services to AG	124	S 124(h) of the ACJL improves on the ACJA by adding that the name of the prosecutor of a suspect should be included as part of

		the information the Comptroller General of Prisons (now Correctional Services) sends to the Chief Judge. This was not captured in the ACJA provision.
401 - Sentencing guidelines	408	Same as ACJA
221 - Prohibition of objections during trials	234	<p>S. 234 of the ACJL states that “Objections shall not be taken or entertained during proceeding or trial on the ground of an imperfect or erroneous charge, <u>provided it does not occasion any miscarriage of justice.</u>”</p> <p>The underlined proviso was not captured by the ACJA.</p>
396(2) - Ruling of preliminary objections to charges deferred till judgment	403(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice	462	S. 462 of the ACJL is similar to S. 469 of the ACJA

Monitoring Committee		
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	200(1) 450(2)	Same as ACJA
CATEGORY B (GESI) SECTION	- PLATEAU ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON PLATEAU ACJL
9(3) Search by same sex	28(3)	Unlike the ACJA which makes it possible to dispense with this requirement in cases of emergencies S 28(3) of the Plateau ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. It does not make any exception for situations of urgency or impracticability.
12(3) Search of private premises occupied by a woman	31(3)	Same as ACJA

167(3) Women standing sureties for bail	180(6)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	204	S. 204 of the ACJL is similar to that of the ACJA but drastically reduces protection for the woman as envisaged by the ACJA. It removes the part of the provision of the ACJA which allows a married woman to enjoy legal remedies against her husband as she would any other man for the protection of her property.
404 and 415 Sentence of death of a pregnant woman to be suspended	411 and 422	S.411 of the ACJL added to the provision on sentencing in the case of pregnancy. It states that “where a woman found guilty of a capital offence is pregnant, the sentence of death shall be passed on her but its execution shall be suspended until the baby is delivered, weaned <u>and has attained the age of two years.</u> ” S.404 of ACJA did not capture the underlined phrase.

		S. 422(4) of the ACJL prescribed that “the test to confirm whether a convicted woman is pregnant under subsection (1) of section 422 <u>shall be carried out in a government hospital.</u> ” S. 415 of the ACJA was silent on this requirement.
CATEGORY C – COVID-19 SECTION	PLATEAU ACJA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON PLATEAU ACJL
364 - Electronic recording of court proceedings	375	S. 375 of the ACJL is similar to the provisions of 364 of ACJA. However, the ACJL prescribes a longer time for the printing of the transcript. It states that “The transcript of previous recording may be printed to enable certification or authentication by the Judge or Magistrate who conducted the proceedings <u>before the next adjourned date.</u> ” Meanwhile, S. 364(1) of the ACJA provides that “ <u>at the end of each day’s proceeding</u> a transcript of such recording shall be

		printed to enable certification or authentication by the judge or magistrate who conducted the proceedings.”
15(4) - Electronic/video recording of interrogations and confessions	36	Plateau ACJL broadens the scope of the means by which a suspect’s statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase “video compact disc”. S 15(4) of the ACJA uses the phrase “retrievable video compact disc or such other audio-visual means.” While S 36(2) uses the phrase “may be recorded electronically on a retrievable video or audio device”.
232(3) - Use of virtual court hearing tools such as video conference in trials	245(3)	Same as ACJA

RIVERS STATE

Comments

The Rivers State's ACJL has sections which improve on the ACJA. It also has its fair share of sections which fall short of the National Minimum Standards that undermined the true intentions of the ACJA. Generally, Rivers ACJL has elements which if implemented effectively can make Rivers Criminal Justice system one of the best in the country. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Rivers State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	RIVERS EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON RIVERS ACJL
106 - Abolition of lay prosecutions	106	The rivers ACJL rescinds the innovations made by the ACJA by including a subsection (d) which allows police offices and any other person authorised by the Attorney General to undertake prosecution of offences.

7 - Prohibition of arrest in lieu of suspect	7	Same as ACJA.
5-No unnecessary restraint	5	Same as ACJA.
6 - Notification of reason of arrest	6	Section 6 of the ACJL improves on the ACJA by adding that a suspect must be informed of the reason for arrest notwithstanding the suspect being caught in the actual commission of the crime. Section 6 of the ACJL also extensively directs on what action is to be taken by state police in situations where the suspect does not speak the same language as the arresting officer. Amongst others, the ACJL also adds that the suspect shall be informed of his right to inform family members or friends of his detention and be arraigned within reasonable time.

8	-Human	8	<p>The ACJL improves significantly on the ACJA. It adds the following to the requirements of human treatment. The suspect shall be:</p> <p>(a) be kept in a decent cell with access to clean and an adequate restroom;</p> <p>(b) have access to proper and adequate medical care; and</p> <p>(c) be fed at reasonable times and intervals.</p> <p>The ACJL also adds that a female detainee shall not be detained with a male detainee.</p>
Treatment of suspect	of		

9-decency in search of persons and properties including search by same sex	9	Same as ACJA.
10-mandatory inventory of properties of arrested person	10	<p>This section is almost the same as the ACJA. However, it adds to section 10(5) a key provision on the procedure when the police refuse to release property taken upon arrest.</p> <p>Unlike the ACJA the ACJL allows a person with interest in property which police refuses to release to make a complaint to the Court.</p> <p>This improves on the ACJA.</p>

15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	15	The ACJL is mostly similar to the ACJA. However, S 15 (2) of the ACJL places a time limit of 24 hours for recording the details of a suspect arrested to be concluded. The ACJA allows 48 hours.
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16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	16	<p>The ACJL is mostly similar to the ACJA. However, S 16(2) of the ACJL gives a timeline of “Not later than two weeks’ for transmission of court and other required criminal records to the State’s records registry.</p> <p>The ACJA provides for decision of the Court in all Criminal trials to be transferred to the Central Criminal Records Registry (CCRR) within 30 days.</p>
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17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17	<p>S 17 of the ACJL is different from the ACJA. The ACJL provides that a copy of the electronically recorded statement shall be given to the suspect; and the original recording shall be sealed and signed in the presence of the suspect.</p> <p>S 17 of the ACJL also provides that the statement of the Suspect may be recorded electronically.</p> <p>This improves of the ACJA which only provides for the electronic recording of confessional statements. The ACJA is outdated on this as suspects do not indicate when they are about to give specifically confessional statements.</p>
33 - Police report to supervising magistrates	33	Same as ACJA (Save for negligible differences in a Federal specific subsection)

<p>34- Magistrate's oversight of police stations</p>	<p>34</p>	<p>The ACJL diverges and improves on the ACJA.</p> <p>The ACJA provides that the Chief Magistrate or a designated Magistrate shall visit the places of detention other than prisons monthly.</p> <p>Conversely the ACJL provides that the Chief Judge or a nominated Judge shall visit the prisons in the state at least once in three months. It also gives the visiting Judge the power to consider release of inmate who have spent time awaiting trial which could equate the time they could have been sentenced.</p> <p>The ACJL also provides for Magistrates the visit other places of detention like police stations.</p>
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293-294 - Remand proceedings	300 301 - Same as ACJA	Section 300 of the ACJL improves on Section 293 of the ACJL. Section 300 of the ACJA provides that a suspect arrested for an offence which a Magistrate Court has no jurisdiction to try shall, within a reasonable time of arrest but not later than 48 hours, be brought before a Magistrate Court for remand. The ACJA uses the phrase “reasonable time” in place of “48 hours” as set out in the Rivers ACJL.
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17 (3) 110(10)	17(3) is Similar to section 17(2) of the ACJA. 17(3) of the ACJL however clearly provides for the taking of a suspects statement electronically or in writing with a representative of the suspect present. 17(3) of the ACJL improves on the 17 (2) ACJA.

		110(10); Same as ACJA.
187 - Bondsmen engagement in bail management	N/A	Not present in rivers ACJL.

270 - Effective use of plea bargain	277	<p>The rivers ACJL is Similar to the ACJA.</p> <p>However the Rivers ACJL diverges in a few sections notably;</p> <p>1) Section 277(4); adds that the prosecutor should ensure that proposals made in the plea bargaining negotiations do not restrict the powers of a judge or magistrate in sentencing or in making any necessary and reasonable ancillary orders.</p> <p>2) Section 277 (6) adds that no action or claim may lie against the prosecutor or prosecution from the inability, failure or refusal of a prosecutor to contact a victim of a crime. Additionally the inability, failure or refusal of a prosecutor or the prosecution to afford the victim of a crime the opportunity to make</p>
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		<p>representations shall not invalidate any plea agreement provided that, reasonable steps were taken.</p> <p>NB; The Court of Appeal in <i>Iboyi Kelly V FRN</i> (2020 14 NWLR Pt 1745 479) struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p>
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306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	313	The Rivers ACJL diverges from the standard of the ACJA, as it provides that a grant for stay of proceedings in criminal matters shall be at the discretion of the Court. The ACJA conversely, provides that an application for stay of proceedings shall not be entertained.
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	403(7)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action)

376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	383(1)	Unlike the ACJA which provides that the attorney general upon receipt of a case file shall issue advice within 14 days, 323(1) of the Rivers ACJL provides that the State Attorney General Shall issue advice and within 8 days of receipt of the police case file whether or not there is a prima facie case against the defendant.
396(3) - Day to day trials	403(3)	Same as ACJA (With different phrasing)
396(4)-(5) - Restricted intervals of adjournments	433(4)-(5)	<p>The Rivers ACJL is similar to the ACJA. However there are notable divergences;</p> <p>433(4) states that The Court shall vigorously scrutinise every application for an adjournment and no party shall be entitled to more than three. It adds that where daily trial is impracticable adjournments from arraignment to final</p>

		<p>judgment shall not exceed three.</p> <p>433(5) Same as ACJA.</p>
110 - Timeframe to commence and complete trials	110	<p>The Rivers ACJL is similar to the ACJA, However, it uses different phrasing.</p> <p>The ACJA and ACJL both allow 7 days for a charge sheet filed by the prosecution to be served on the defendant. Both Legislations state that the trial shall then commence not later than 30 days from the date of preferring the charge. Both Legislations also state that the trial should be reasonably completed within 180 days of commencement.</p>

382 -Assignment of cases to court within 15days of filling (or within timeframe stipulated by state ACJL)	389	Whereas the ACJA allows 15 working days for the assignment of a case file following the filing of an information, the Rivers ACJL allows 10 Working days. The Rivers ACJL also states that upon assignment of the information to a Court the witnesses and defendant shall be issued a Notice of trial within 5 working days.
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	253 - 261 (Same as ACJA)	<p>These sections of the ACJL are very similar to the ACJA. Only section 260(2) of the ACJL diverges from the ACJA.</p> <p>It states that where the Court concedes to an application by a party seeking adjournment the Court may order that the party seeking the adjournment pay the expenses of a witness present whose testimony could not be taken and same shall be paid before</p>

		the next hearing date and confirmed by the beneficiary.
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	402	Same as ACJA

319 - Compensation to victims of crime	326	<p>Section 326 of the Rivers ACJL is similar to the ACJA. Section 326 contains minor wording changes and makes reference to section 321 of the Rivers ACJL which also legislates on compensation and consideration of additional evidence which will enable the court determine the quantum of compensation. The ACJL improves on the ACJA by cross referencing the related sections in order to avoid confusion.</p> <p>Section 319 of the ACJA did not make reference to Section 314 which also legislates on compensation to victim.</p>
396(6) - Award of costs against defense and prosecution	403(6)	<p>The Rivers ACJL is similar to the ACJA. It only differs where it makes cross references to both section in the Rivers ACJL that relate to costs.</p>

491 - Misconduct proceedings for violating the Act or Law	501	Same as ACJA
364 - Electronic recording of court proceedings	371	Same as ACJA
232 - Protection of witnesses including in economic and financial crimes cases	239	The Rivers ACJL is similar to the ACJA. It differs in 239(2) where it specifically prohibits the publication of the real witness's details in newspapers (Digital or Print) online, social media or in a sound, radio or television broadcast unless the Court makes a specific written order to that effect.
328 - Wrongful conversion or detention of property and award of damages	335	Same as ACJA
333 - Seizure or forfeiture of proceeds of crimes	340	Same as ACJA

111- Return by Controller General of Correctional Services to AG	111	Same as ACJA
401 - Sentencing guidelines	409	<p>The Rivers ACJL is similar to the ACJA. However the rivers ACJL words the prefix phrase in section 401(2) of the ACJA differently.</p> <p>401(2) of the ACJL states that "in determining a sentence, the court shall have the following in mind and may decide in each case the objectives that are more appropriate or even possible;"</p> <p>409(2) only states "The following objectives shall guide the Court in determining a sentence"</p>

221 - Prohibition of objections during trials	228	The Rivers ACJL is similar to the ACJA. The meaning of the section in the ACJA and ACJL are the same. There are only minor wording differences.
396(2) - Ruling of preliminary objections to charges deferred till judgment	403(2)	Same as ACJA
469 - Functioning of Administration of Criminal Justice Monitoring Committee	479	This ACJL section is similar to that of the ACJA, however 479 of the ACJL creates a monitoring council not a committee. 479 of the ACJL also does not include the Director of Public Prosecution in its council.
187(1) and 457(2)- Exercise of powers of heads of court to make supplementary rules and guidelines	467(2), N/A	467(2) - Same as ACJA There is no equivalent of S 187 in the rivers ACJL.

CATEGORY B - (GESI) ACJA SECTION	RIVERS EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON RIVERS ACJL
9(3) Search by same sex	9	Same as ACJA
12(3) Search of private premises occupied by a woman	12(3)	Same as ACJA
167(3) Women standing sureties for bail	174(3)	Same as ACJA
191-Married woman rights over her personal properties including against her spouse of customary marriage	198	Same as ACJA
404 and 415 Sentence of death of a pregnant woman to be suspended	412	Same as ACJA

CATEGORY C – COVID-19 ACJA SECTION	RIVERS EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON RIVERS ACJL
364 - Electronic recording of court proceedings	371	Same as ACJA
15(4) - Electronic/video recording of interrogations and confessions	N/A	The Rivers ACJA does not make any reference to confessional statements. It improves on the ACJA by providing for the electronic recording of all statements in section 17. This is Logical as criminals do not usually indicate when they are about to confess.
232 - Use of virtual court hearing tools such as video conference in trials	239	The Rivers ACJL is similar to the ACJA. It differs in 239(2) where it specifically prohibits the publication of the real witness's details in newspapers (Digital or Print) online, social media or in a sound, radio or television broadcast unless the Court makes a specific written order to that effect.

SOKOTO STATE

Comment

The Sokoto State ACJL is almost identical to the ACJA. It made several improvements to the ACJA but deleted certain sections that made fall short of the National Minimum Standard in certain regards. It has some provisions which if implemented can make Sokoto State's Criminal Justice system very effective. The obligation is therefore on key Criminal Justice Stakeholders to bring the law to life. Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Sokoto State in relation to the National Minimum Standards.

CATEGORY A – (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	SOKOTO TOEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON SOKOTO ACJL
106 - Abolition of lay prosecutions	106	Same as ACJA.
5 - No unnecessary restraint	6	Same as ACJA.
6 - Notification of reason of arrest	7	Same as ACJA.

7 - Prohibition of arrest in lieu of suspect	8	<p>Same as ACJA. The Sokoto ACJL improves on the ACJA by adding a fresh subsection.</p> <p>S 8 (2) treats non-compliance with S 8 (1) of the law as a misconduct and provides for disciplinary action against breach.</p>
8 - Humane Treatment of suspect	9	<p>S 9 Sokoto ACJL is similar to the ACJA and it improves on the ACJA by adding a fresh subsection - S 9 (5).</p> <p>S 9 (5) Sokoto ACJL explain what an arraignment consist of and the requirement of a valid mandatory arraignment.</p>
9 - Decency in search of persons and properties including search by same sex	10	The provisions of S 9 (4) ACJA is deleted from the Sokoto ACJL.
10 - Mandatory inventory of properties of arrested person	11	Same as ACJA.

15 - Video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	16	<p>S 16 Sokoto ACJL is similar to the ACJA but adds a key provision which greatly improved the recording of arrests.</p> <p>S 16 (1) (d) (iv) specifies - biometrics, fibers and DNA as some of the other means of recording the identity of a suspect.</p>
16 - Mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	NIL	<p>The Sokoto ACJL makes no provision for a Central Criminal Records Registry or transmission of arrest records to any other Criminal Records Registry. This deletion is unexplainable and a setback in the law.</p>
17 - Provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	17	Same as ACJA

33 - Police report to supervising magistrates	33	S 33 Sokoto ACJL deleted S 33(4) ACJA which mandates the Attorney General to make available a copy of the report upon requested by the National Human Rights Commission, Legal Aid or an NGO.
34- Magistrate's oversight of police stations	34	<p>The provisions of S 34(4) Sokoto ACJL differs from the ACJA.</p> <p>Unlike the ACJA which empowers Judges of the High Court to visit Federal Government Agencies empowered to make arrest and which they have jurisdiction on, the Sokoto ACJL subjects the visit of Judges of the High Court to the request of the Attorney General. They need to first obtain a request to do so from the Attorney – General.</p>
293-294 - Remand proceedings	292-293	Same as ACJA.

17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	17 (2), 110(7)	17(2) Same as ACJA. 110(7) Same ACJA.
187 - Bondsmen engagement in bail management	186	Same as ACJA.
270 - Effective use of plea bargain	269	Same as ACJA. The Court of Appeal <u>in Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</u> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.
306 - Abolition of stay of criminal trial proceedings on	305	S 305 Sokoto ACJL differs from the ACJA by allowing the court to entertain an

account of interlocutory appeal		application where it touches on jurisdiction.
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	395(7)	Same as ACJA. (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action).
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	375(2)	The Sokoto ACJL differs from the ACJA by giving the Attorney General 21 days from receipt of case file to issue and serve the legal advice in variance with the ACJA which provides 14 days.
396(3) - Day to day trials	395(3)	Same as ACJA.
396(4-5) - Restricted intervals of adjournments	395 (4 - 5)	Same as ACJA.

110 - Timeframe to commence and complete trials	110	Same as ACJA.
382 - Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	381	Same as ACJA.
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	245 - 253	<p>S. 245 - 253 Sokoto ACJL is almost identical to S 246 - 254 of the ACJA.</p> <p>S 245 (1) Sokoto ACJL differs from the ACJA. It increased the fine for the breach of the section to ₦50,000 unlike S 246(1) ACJA which provides for a fine of ₦10, 000 for the breach.</p>
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	394	Same as ACJA.

319 - Compensation to victims of crime	318	Same as ACJA.
396(6) - Award of costs against defense and prosecution	395(6)	Same as ACJA.
491 - Misconduct proceedings for violating the Act or Law	490	Same as ACJA.
364 - Electronic recording of court proceedings	363	Same as ACJA.
232 - Protection of witnesses including in economic and financial crimes cases	231	Same as ACJA.
328 - Wrongful conversion and detention of property and award of damages	327	Same as ACJA.
333 - Seizure or forfeiture of proceeds of crimes	332	Same as ACJA.
111- Return by Controller General of	111	Same as ACJA

Correctional Services to AG		
401 - Sentencing guidelines	400	Same as ACJA.
221 - Prohibition of objections during trials	220	Same as ACJA.
396(2) - Ruling of preliminary objections to charges deferred till judgment	395(2)	Same as ACJA.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	468	<p>S 468 Sokoto ACJL is almost identical to the ACJA but it adds to the list of committee members of the ACJMC.</p> <p>S 468 (b), (c) & (e) adds new positions for <u>a Judge of the High Court, Grand Khadi or Khadi</u>, and <u>a representative of the Body of Senior Advocates of Nigeria</u> in the State. The representative of the Body of Senior Advocates will serve for a period of two years only.</p>

187 (1), 457 (2), 490 - Exercise of powers of heads of court to make supplementary rules and guidelines	186 (1), 456 (1), 489	Same as ACJA
CATEGORY B (GESI) SECTION	-SOKOTO ACJAEQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON SOKOTO ACJL
9(3) - Search by same sex	10 (2)	Same as ACJA.
12(3) - Search of private premises occupied by a woman	13 (3)	Same as ACJA.
167(3) - Women standing sureties for bail	166 (3)	Same as ACJA.
191 - Married woman rights over her personal properties including against her spouse of customary marriage	190	Same as ACJA.
404 and 415 - Sentence of death of a pregnant woman to be suspended	403 and 414	Same as ACJA.

CATEGORY C – COVID 19 ACJA SECTION	SOKOTO EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON SOKOTO ACJL
364 - Electronic recording of court proceedings	363	Same as ACJA.
15(4) - Electronic/video recording of interrogations and confessions	16 (4)	Same as ACJA.
232 - Use of virtual court hearing tools such as video conference in trials	231	Same as ACJA

TARABA STATE

Comment

The Taraba State's ACJL has sections which greatly improved on the ACJA. It also has few of its sections which fall short of the National Minimum Standards that undermined the true intentions of the ACJA. Generally, the ACJL introduced commendable innovations to the law and it is safe to recommend that the ACJA be amended to reflect some of these innovations. The law has elements which if implemented effectively can make Taraba's Criminal Justice system one of the best in the country. The Taraba law makers ought to be commended for their Legislative dexterity. The onus is now on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Taraba State in relation to the National Minimum Standards.

CATEGORY A - (CRITICAL TO FUNCTIONING G CRIMINAL JUSTICE) ACJA SECTION	TARABA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON TARABA ACJL
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106 - Abolition of lay prosecutions	119	Same as ACJA
7 - Prohibition of arrest in lieu of suspect	27	Same as ACJA
5 - No unnecessary restraint	25	This provision is slightly different from the ACJA because it provides that a suspect or accused person <u>shall</u> not be handcuffed, bound or be subjected to restrain. The ACJA uses the word “may”. It is submitted that the word “may” used by the ACJA Section creates room for abuse by the police and other law enforcement agencies. Therefore, the Taraba ACJL section is an

		improvement on the ACJA Section.
6- Notification of reason of arrest	26	This provision is slightly different from the ACJA because in subsection 2 (c) it expanded the scope of persons who can provide free legal representation to a suspect. It provides thus “The police officer or the person making the arrest shall inform the suspect of his rights to: free legal representation by the Legal Aid Council of

		Nigeria or Office of the Public Defender where applicable and or any legal practitioner of his choice” .
8 - Humane Treatment of suspect	28	Same as ACJA
9(3) - decency in search of persons and properties including search by same sex	29(3)	S 29(3) of the Taraba ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. Unlike S 9(3) the ACJA It does not make any exception for situations of urgency or impracticability.
10 - mandatory inventory of	30	S. 30 of the Taraba ACJL improved on

properties of arrested person		<p>the ACJA by providing for penalties for defaulters these subsections where not captured by the ACJA.</p> <p>30(5) provides; “Failure by the person to whom the property is released on bond to produce the property when required or to attend court as a witness shall be an offence of interference with the due administration of justice, and shall be liable to a term of imprisonment of not less than 90 days or a fine of N20,000.00.”</p> <p>30(7) provides “Where the police</p>
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		<p>officer refuses to comply with the provision of subsection (6) of this section, the owner of the property or any other interested in the property may apply to the court for the property to be released to him.”</p>
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15 - video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	35	<p>S. 35 of the Taraba ACJL is similar to the ACJA but adds key provisions which greatly improve the recording of arrests.</p> <p>S. 35 (1)(d)(iv) & (vi) includes the recording of Bank Verification Number, telephone number, and such other means of his identification of a suspect.</p> <p>S. 35(2) of the ACJL reduced the time required for recording arrest it states the process of recording arrest “shall be concluded within a reasonable time of the arrest of the suspect, but not exceeding 24 hours.”</p>
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		<p>which differ from the ACJA provision which prescribed a time not exceeding forty-eight hours.</p> <p>Taraba ACJL broadens the scope of the means by which a suspect's statement may be recorded electronically and makes the ACJL more technology sensitive by removing the phrase "video compact disc". S 15(4) of the ACJA uses the phrase "retrievable video compact disc or such other audio-visual means." While S 37(2) uses the phrase "may be recorded on video or such other audio-visual means"</p>
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		<p>S 36(2) improved on S.15(4) of ACJA by adding the requirement that the confessional statement shall be in writing and made in the presence of a legal practitioner of the suspect's choice who shall endorse same by appending: his name; his address; his telephone; his signature and the date on which he signed. This was not captured in the ACJA provision.</p> <p>S. 37(3) of the ACJL further provides that in a situation where the legal practitioner refuses to endorse the confessional statement, such refusal will not render the confessional</p>
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		<p>statement inadmissible.</p> <p>S. 37 also added two fresh subsections which improved on the ACJA.</p> <p>S.37(8) Requires prosecutors to adduce evidence showing the voluntariness of a statement allegedly made voluntarily.</p> <p>S 37(9) Provides that any objection to the admissibility of a confessional statement shall be recorded and be ruled upon at the delivery of the final Judgement.</p> <p>The improvements introduced in Taraba</p>
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		ACJL is highly commended.
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16 - mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	36	<p>S 36 of the Taraba ACJL is almost identical to the ACJA. However, S 36(2) improves on the ACJA and provides that the Central Criminal Records registry shall maintain both <u>manual and electronic</u> records of arrests, discharges, acquittals and convictions.</p> <p>The ACJA was silent on the nature of the record. This is thus, a welcome development.</p>
17 - provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil	37	<p>The Taraba ACJL provides that the taking of a suspect's statement shall be concluded within sixty (60) days. This was not reflected in S. 17(1) of ACJA, the</p>

society organization		<p>ACJA was silent on the time.</p> <p>60 days is however too long a time to take a statement.</p> <p>S. 37 of the ACJL merged some provisions from S. 15 and 17 of the ACJA</p>
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33 - Police report to supervising magistrates	49	<p>S. 49 of the Taraba ACJL is almost identical to Section 33 of the ACJA. However, S. 49(1) provides for quarterly report as against monthly report as provided for under the ACJA. It provides thus “An officer in charge of a police station or an official in charge of an agency authorized to make arrest shall, on the last working day of every third month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations</p>
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		or agency whether the suspects have been admitted to bail or not.”
34- Magistrate’s oversight of police stations	50	<p>Taraba ACJL improved on the provision of the ACJA. Some of the provisions are similar however, there exist some differences:</p> <p>The law in S.50(1)(a) prescribes that “any Magistrate designated by the Chief Judge to carry out such visit shall <u>at least every quarter</u> conduct an inspection of police stations and other places of detention within his territorial jurisdiction other than the prison.” The ACJA on the other hand prescribes a shorter time it states “any Magistrate designated by the</p>

		<p>Chief Judge for that purpose, shall, <u>at least every month</u>, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.”</p> <p>The Taraba law by S. 50(1)(b) introduced a new provision which states that for the purpose of the visit, the visiting magistrate may invite the Legal Aid Council of Nigeria, the National Human Rights Commission or any Civil Society organization involved in access to justice and human right.</p> <p>The ACJA was silent on this. Thus, this is a welcomed development.</p>
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		Taraba ACJL in S. 50(2)(a) introduced a new provision which states that the visiting Magistrate “may inspect the detention facility where suspects are kept”. This was not captured in the ACJA provision.
293-294 Remand proceedings	- 305, 306	Same as ACJA
17(2), 33(4), 110(7), 469(2)(i) - Engagement with National Human Rights Commission, Civil society organizations, and the public	37(4), 49(4), 50(1)(b), 124(7), 445(1), 462(1)(g) &(k)	The Taraba ACJL made elaborate provisions which reflected the engagement of and with the National Human Rights Commission, Civil Society Organizations and the Public

		<p>37(4) is same as S. 17(2) of the ACJA</p> <p>49(4) is same as S. 33(4) of the ACJA</p>
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		<p>S. 50(1)(b) of the Taraba ACJL improved on S. 34 of the ACJA by including a paragraph which stipulates that “the visiting Magistrate may invite the Legal Aid Council of Nigeria, the National Human Rights Commission or any Civil Society organization involved in access to justice and human rights” to accompany the magistrate during the quarterly visit to the police stations and other</p>
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		<p>places of detention.</p> <p>124(7) is same as S. 110(7) of the ACJA</p> <p>The Taraba ACJL introduced a new section i.e. 445 which provides for Victim Offender Mediation this was not captured in the ACJA.</p> <p>S. 445(1) provides that “A court may refer a criminal matter that is pending before it to mediation for an amicable settlement between the victim, suspect and their relatives to be facilitated by a Civil Society Organization engaged in access to justice or mediation</p>
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		<p>and reconciliation or the National Human Rights Commission, provided, the offence with which the defendant was charged is punishable with a term of imprisonment not exceeding ten years.”</p> <p>The ACJA was silent on victim offender mediation. This is thus, a welcome development</p> <p>462(1)(g) &(k) is identical to S. 469(2)(i) of ACJA but the ACJL added a new paragraph (g) which included the Zonal Director of the National Human</p>
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		<p>Rights Commission or the officer next in rank to represent him in the Committee.</p> <p>This was not provided for under the ACJA.</p>
187 - Bondsman engagement in bail management	201	Same as ACJA
270 - Effective use of plea bargain	283	<p>The Taraba State ACJL provisions on plea bargaining are considerably similar to the ACJA provisions. However, there are some differences, some of which are improvements to the ACJA provision on plea bargain.</p> <p>The ACJL does not have an equivalent of section 270(2)(a)(b)(c) of the ACJA. The ACJL in S. 283(2) does not prescribe the</p>

		<p>conditions that may determine when the prosecution may begin plea bargain negotiations. It only state that <u>“in any offence affecting the human body, the consent of the victim must first be sought and obtained before entering into a plea bargain”</u>.</p> <p>This leaves it open to prosecutors to begin negotiations in matters which may be better resolved by others means.</p> <p>S. 283 (5)(i) of the ACJL narrows the first listed item the prosecution is to consider. It states that prosecution shall consider the “defendant’s</p>
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		<p>willingness to cooperate in the investigation or prosecution of others by <u>providing relevant information for the prosecution of other defendants,</u>” This limits the scope of the defendant’s willingness to co-operate. This underlined phrase is not in the ACJA.</p> <p>S. 283 (11)(b) of the ACJL states that “where the presiding Judge or Magistrate is of the view that he would have imposed a lesser sentence than the sentence agreed, <u>he shall inform the prosecutor of such lesser sentence than the sentence agreed</u>”. The ACJA</p>
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		<p>provision did not capture the underlined phrase.</p> <p>S.283(14) prescribes <u>a term of imprisonment of 5 years without an option of fine</u> as sanction for any person who, willfully and without just cause, obstructs or impedes the vesting or transfer of any money, asset or property under the Law. On the other hand, S. 270(14) of the ACJA prescribes <u>a term of imprisonment of 7 years without an option of fine.</u></p> <p>S. 283(15) of the ACJL outlined options which are</p>
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		<p>open to the prosecutor who has been informed of the lesser sentence. This provision was not captured in the ACJA.</p> <p>S. 283(18) of the ACJL states that “capital offences and sexual related offences shall be excluded from plea bargaining.” This was not captured in the ACJA provision.</p> <p>S. 283 of the ACJL does not have an equivalent provision of section 270 (17) and (18) of the ACJA.</p> <p>The lack of section 270 (17) which protects against double jeopardy is mitigated by Section 251(1)(c) of the</p>
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		<p>Taraba ACJL which states that a <u>Defendant charged with an offence is not liable to be tried for that offence where it is shown that he has previously been convicted for or acquitted of an offence by a competent Court other than the offence charged, being an offence for which, apart from this Section, he might be convicted by virtue of being charged with the offence charged.</u></p> <p>The Court of Appeal in <i>Iboyi Kelly V FRN</i> (2020 14 NWLR Pt 1745 479) struck down section 270(18) of ACJA by</p>
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		stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	317	Same as ACJA
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	403(8)	Same as ACJA (This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a

		<p>possibility it will be restored by Legislative action)</p> <p>403(7) of the ACJL improves on the ACJA by giving dispensation to a transferred Judge to conclude part heard matters in his last Jurisdiction.</p> <p>403(9) of the ACJL also improves on the ACJA by providing that the expenses incurred by the Judge or Magistrate pursuant to subsections (7) and (8) of this section shall be defrayed by the Chief Registry of the High Court.</p>
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376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	387(2)	Same as ACJA
396(3) - Day to day trials	403(3)	Same as ACJA
396(4)-(5) - Restricted intervals of adjournments	403(4) and (5)	S.403(4) of the Taraba ACJL provides that no party shall be entitled to more than <u>ten adjournments</u> from arraignment to final judgment provided that the intervals between each adjournment shall not <u>exceed 21</u> <u>working days</u> as against <u>five</u> <u>adjournments</u> and <u>fourteen (14)</u> <u>working days</u>

		<p>interval prescribed by S.396(4) of the ACJA.</p> <p>S.403(5) of the ACJL provides that “the interval between one adjournment to another shall not exceed <u>thirty days inclusive of weekends.</u>” as against <u>seven days inclusive of weekends</u> provided by S. 396(5) of the ACJA.</p>
110 - Timeframe to commence and complete trials	124	<p>S. 124(3) & (4) of Taraba ACJL provides that the trial shall be completed within one (1) year as against one hundred and eighty (180) days prescribed by S. 110(3) & (4) of the ACJA.</p>

382(1)– Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	389(1)	Section 389(1) provides that the Chief Judge shall take appropriate steps within 10 working days from the date of filing for the charge to be assigned to a court for trial. The ACJA provides for 15 working days.
246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	259 -267	S 259-267 of the ACJL is almost identical to S 246-254 of the ACJA. The ACJL provides that the reasonable expenses payable to the witness may be prescribed by the Attorney-General of the State while the ACJA gives that court such discretion.
395 - Mandatory legal aid/free legal representation to defendants in	402	Same as ACJA

capital case or offences punishable by life imprisonment		
319 - Compensation to victims of crime	330	Same as ACJA
396(6) - Award of costs against defense and prosecution	403(6)	Same as ACJA
491 - Misconduct proceedings for violating the Act or Law	Nil	This provision was not reflected in the Taraba ACJL. This is a not a welcomed development
364 - Electronic recording of court proceedings	375	S. 375 of the ACJL is similar to the provisions of 364 of ACJA. However, the

		<p>ACJL prescribes a longer time for the printing of the transcript.</p> <p>It states that “The transcript of previous recording may be printed to enable certification or authentication by the Judge or Magistrate who conducted the proceedings <u>before the next adjourned date.</u>” Meanwhile, S. 364(1) of the ACJA provides that “<u>at the end of each day’s proceeding</u> a transcript of such recording shall be printed to enable certification or authentication by the judge or magistrate</p>
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		who conducted the proceedings.”
232 - Protection of witnesses including in economic and financial crimes cases	246	<p>S 246 (4) (b) & (d) of the ACJL improved on the ACJA by adding to the list of offences for which the use of witness protection may be necessary.</p> <p>The Taraba ACJL introduced a new subsection which is an innovative provision and an improvement to the ACJA provision. By S. 246(6) the law provides for the recording of sex offenders particulars in a Sexual Offenders Registry in the State which shall be published and kept in the public domain.</p>

		This was not captured by the ACJA.
328 – Wrongful conversion or detention of property and award of damages	339	Same as ACJA
333 – Seizure or forfeiture of proceeds of crime	344	Same as ACJA
111- Returns by Controller General of Correctional Services to AG	125	S 125(2)(h) of the ACJL improves on the ACJA by adding that the name of the prosecutor of a suspect should be included as part of the information The Controller General of Prisons sends to the Chief Judge.

401 Sentencing guidelines	-	408	Same as ACJA
221 Prohibition of objections during trials	-	235	<p>S. 235 of the ACJL states that “Objections shall not be taken or entertained during proceeding or trial on the ground of an imperfect or erroneous charge, <u>provided it does not occasion any miscarriage of justice.</u>”</p> <p>The underlined proviso was not captured by the ACJA.</p>
396(2) - Ruling of preliminary objections to charges		403(2)	Same as ACJA

deferred till judgment		
469 - Functioning of Administration of Criminal Justice Monitoring Committee	462	S. 462 of the ACJL is similar to S. 469 of the ACJA
187(1) and 457(2) Exercise of powers of heads of court to make supplementary rules and guidelines	201(1) & 450(1)	Same as ACJA
CATEGORY B - (GESI) ACJA SECTION	TARABA EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON TARABA ACJL

9(3) Search by same sex	29(3)	Unlike the ACJA which makes it possible to dispense with this requirement in cases of emergencies S 29(3) of the Taraba ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex. It does not make any exception for situations of urgency or impracticability
12(3) Search of private premises occupied by a woman	32(3)	Same as ACJA
167(3) Women standing sureties for bail	181(6)	Same as ACJA
191 Married woman rights over her personal properties including against	205	S. 205 of the ACJL is similar to that of the ACJA but drastically reduces protection for the woman as envisaged by the ACJA.

her spouse of customary marriage		It removes the part of the provision of the ACJA which allows a married woman to enjoy legal remedies against her husband as she would any other man for the protection of her property.
404 and 415 Sentence of death of a pregnant woman to be suspended	411 and 422	S.411 of the ACJL added to the provision on sentencing in the case of pregnancy. It states that “where a woman found guilty of a capital offence is pregnant, the sentence of death shall be passed on her but its execution shall be suspended until the baby is delivered, weaned <u>and has attained the age of two years.</u> ” S.404 of

		<p>ACJA did not capture the underlined phrase.</p> <p>S. 422(4) of the ACJL prescribed that “the test to confirm whether a convicted woman is pregnant under subsection (1) of section 422 <u>shall be carried out in a government hospital.</u>” S. 415 of the ACJA was silent on this requirement.</p>
CATEGORY C - COVID 19 ACJA SECTION	TARABAEQUI VALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON TARABAACJL
364 - Electronic recording of court proceedings	375	S. 375 of the ACJL is similar to the provisions of 364 of ACJA. However, the ACJL prescribes a longer time for the

		<p>printing of the transcript.</p> <p>It states that “The transcript of previous recording may be printed to enable certification or authentication by the Judge or Magistrate who conducted the proceedings <u>before the next adjourned date.</u>” Meanwhile, S. 364(1) of the ACJA provides that “<u>at the end of each day’s proceeding</u> a transcript of such recording shall be printed to enable certification or authentication by the judge or magistrate who conducted the proceedings.”</p>
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15(4) - Electronic/video recording of interrogations and confessions	37(2)	S. 37(2) is similar to S. 15(4) of the ACJA but however, the ACJL included this phrase which was not captured in the ACJA “the said recording and copies of it may be produced at the trial provided that in the absence of video facility, the said statement may be in writing and made in the presence of a legal practitioner of his choice who may endorse same.”
232(3) - Use of virtual court hearing tools such as video conference in trials	246(3)	Same as ACJA

YOBE STATE

Comment

The Yobe State's ACJL is very similar to the ACJA, though certain sections slightly improves on the ACJA. Some sections of the Yobe ACJL fall short of the National Minimum Standards, taking away the intention of the ACJA. Generally, the Yobe ACJL has elements which if implemented effectively can improve Yobe's Criminal Justice system and the onus is on key Criminal Justice stakeholders to bring this law to life.

Below is a tabular illustration of the comparative analysis of the ACJA and ACJL of Yobe State in relation to the National Minimum Standards.

CATEGORY A – (CRITICAL TO FUNCTIONING CRIMINAL JUSTICE) ACJA SECTION	YOBE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON YOBE ACJL
106 - Abolition of lay prosecutions	125	<p>The Yobe ACJL differs from the ACJA with the addition of a fresh subsection which allows lay prosecutions in the State.</p> <p>S 125 (2) Yobe ACJL provides that – <u>Nothing in this section shall prevent a police from prosecuting</u></p>

		<p><u>any offence triable by any Magistrate's Court'.</u></p> <p>Allowing the police to prosecute offences at the Magistrate court is a deviation from one of the major improvements of the ACJA which has abolished lay prosecution.</p>
7 - Prohibition of arrest in lieu of suspect	27	Same as ACJA.
5 - No unnecessary restraint	25	Same as ACJA. There is a slight difference in the language of the ACJL in describing a defendant facing trial. Whilst the ACJA uses the word – 'Defendant', the Yobe ACJL uses the word – 'Accused'.
6 - Notification of reason of arrest	26	Same as ACJA.
8 - Human Treatment of suspect	28	Same as ACJA.

9 - Decency in search of persons and properties including search by same sex	29	Same as ACJA.
10 - Mandatory inventory of properties of arrested person	30	Same as ACJA.
15 - Video recording of facilities for recording interrogation process and confessional statements - Mandatory inventory of data of arrested persons	35	<p>Same as ACJA but with the addition of a new proviso.</p> <p>The Yobe ACJL makes provision for the confessional statement of a suspect to - <u>be made in writing in the presence of any person of his choice</u> where there is absence of video facility.</p>
16 - Mandatory record of arrest and data of arrested persons and availability of central criminal records at state and federal levels	36	<p>Same as ACJA but differs with the deletion of S.16 (3) ACJA which provides that all decisions in criminal trials be transmitted to the Central Criminal Records within 30 days of the judgment.</p>

		<p>In its place, S 36 (3) Yobe ACJL duplicated the provision of S.36 (2) with the only addition been the word – Police Headquarters.</p> <p>Whilst the repetition in S.36 (2) & (3) Yobe ACJL may or may not be a clerical error, it should be looked into and properly rectified.</p>
17 - Provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization	37	Same as ACJA.
33 - Police report to supervising magistrates	53	Same as ACJA.
34- Magistrate's oversight of police stations	54	Same as ACJA but differs with the deletion of S. 34 (4) ACJA from the Yobe ACJL.

293-294 - Remand proceedings		<p>Same as ACJA but differs with respect to a requirement. S. 294 (1) ACJA makes it a requirement that the Court be <u>satisfied that there is probable cause to remand the suspect</u> before granting the remand order.</p> <p>This requirement is absent in the Yobe ACJL.</p>
17(2), 110(7) - Engagement with National Human Rights Commission, Civil society organizations, and the public	37 (2), 129 (7)	Same as ACJA.
187 - Bondsmen engagement in bail management	206	Same as ACJA.
270 - Effective use of plea bargain	290	Same as ACJA. (The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241

		of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.)
306 - Abolition of stay of criminal trial proceedings on account of interlocutory appeal	326	Same as ACJA.
396(7) - Dispensation to elevated appellate justice to complete part-heard matters	412 (7)	<p>Same as ACJA. However, unlike the ACJA which specifically mentioned a <u>Judge of the High Court</u> who has been elevated to <u>the Court of Appeal</u>, S.412 (7) Yobe ACJL did not specify the Courts - High Court and Court of Appeal.</p> <p>(This provision of the ACJA has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a</p>

		possibility it will be restored by Legislative action).
376(2) - Timeliness for issuance of legal advice/filing of information by the Attorney General	396 (2)	Same as ACJA.
396(3) - Day to day trials	412 (3)	Same as ACJA.
396(4-5) - Restricted intervals of adjournments	412 (4-5)	Same as ACJA.
110 - Timeframe to commence and complete trials	129	Same as ACJA but S. 129 (1) Yobe ACJL included – Sharia or Area Court as part of the Courts where criminal proceedings may be instituted in.
382 - Assignment of cases to court within 15 days of filing (or within timeframe stipulated by state ACJL)	398	Same as ACJA.

246-254 - Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses	266 - 274	<p>S. 266 – 274 is similar to S. 246-254 of the ACJA except for few amendments.</p> <p>S. 266 (1) Yobe ACJL reduced the fine for a witness liable on summary conviction from ₦10,000 provided by the ACJA to ₦5,000.</p> <p>S. 270 (1) Yobe ACJL also provides that the Court may commit the person to other place of safe custody for a period not exceeding <u>14 days</u>, unlike S. 250 (1) ACJA which provides for 30 days.</p>
395 - Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment	411	Same as ACJA.

319 - Compensation to victims of crime	339	Same as ACJA.
396(6) - Award of costs against defense and prosecution	412 (6)	Same as ACJA.
491- Misconduct proceedings for violating the Act or Law	512	Same as ACJA.
364 - Electronic recording of court proceedings	384	Same as ACJA.
232 - Protection of witnesses including in economic and financial crimes cases	252	Same as ACJA but differs with the deletion of S. 232 (5) ACJA which makes contravention of subsection (2) an offence.
328 - Wrongful conversion or detention of property and award of damages	348	Same as ACJA.
333 - Seizure or forfeiture of proceeds of crimes	353	Same as ACJA.

111- Return by Controller General of Correctional Services to AG	130	<p>Same as ACJA but differs in the number of days the person awaiting trial must been in the prison and for what purpose.</p> <p>S. 130 (1) Yobe ACJL states that the returns is in respect of - all persons awaiting trial held in custody in the prisons in the State for a period beyond <u>90 days from the date of remand.</u></p> <p>This is different from S. 111 ACJA which provides that the returns is in respect of - all persons awaiting trial held in custody in Nigeria prisons for a period beyond <u>180 days from the date of arraignment.</u></p>
401 - Sentencing guidelines	417	Same as ACJA.
221 - Prohibition of objections during trials	241	Same as ACJA.

396(2) - Ruling of preliminary objections to charges deferred till judgment	412 (2)	Same as ACJA.
469 - Functioning of Administration of Criminal Justice Monitoring Committee	488	<p>Same as ACJA but differs with the addition of a new member to the Committee.</p> <p>S.488 (2) (b) adds the Grand Kadi of the State or his representative.</p> <p>Unlike the ACJA, the Yobe ACJL did not provide for a time limit on the duration of the Chairman of any of the local branch of the Nigeria Bar Association on the Committee.</p>
187 (1), 457 (2) and 490 - Exercise of powers of heads of court to make supplementary rules and guidelines	206 (1), 476 (2), and 511	Same as ACJA

CATEGORY B - (GESI) ACJA SECTION	YOBE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON YOBE ACJL
9(3) - Search by same sex	29 (3)	Same as ACJA.
12(3) - Search of private premises occupied by a woman	32 (3)	Same as ACJA.
167(3) - Women standing sureties for bail	186 (3)	Same as ACJA.
191 - Married woman rights over her personal properties including against her spouse of customary marriage	210	Same as ACJA.
404 and 415 - Sentence of death of a pregnant woman to be suspended	420 and 431	Same as ACJA.

CATEGORY C - COVID 19 ACJA SECTION	YOBE EQUIVALENT SECTION	COMPARATIVE ANALYSIS COMMENTS ON YOBE ACJL
364 - Electronic recording of court proceedings	384	Same as ACJA.
15(4) - Electronic/video recording of interrogations and confessions	35 (4)	Same as ACJA.
232 - Use of virtual court hearing tools such as video conference in trials	252	Same as ACJA.

**ZAMFARA STATE IS YET TO PASS THE
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