



**PRESENTATION ON THE FINDINGS OF COURT OBSERVATION ON ACJL IN LAGOS**

**(JUNE – SEPTEMBER 2018)**

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**Introduction**

The Enhancing Transparency and Accountability in the Judicial Sector project is a 3-year project being implemented by the Rule of the Law and Empowerment Initiative (also known as Partners West Africa – Nigeria) with support from MacArthur Foundation. To ensure effective collaboration, Partners West Africa – Nigeria worked with State High Courts in the Federal Capital Territory (FCT), Lagos & Ondo States; Administration of Criminal Justice Monitoring Committee; the Nigerian Bar Association (Akure, Gwagwalada, Ikeja, Lagos & Unity Branches), Nigerian Institute of Advanced Legal Studies, Civil Society Organizations & the media.

The goal of the project is to enhance integrity in the Nigerian Judicial system through court observation; promote implementation of the Administration of Criminal Justice Act/Law in the FCT, Lagos & Ondo States; enhance citizen participation in judicial processes and improve access to information on judicial proceedings with regards to compliance of the ACJA/L. We aim to achieve this through social accountability in the judicial sector.

A total of 65 court rooms are being observed in the three states (FCT -20, Lagos- 25 and Ondo – 20).

**Methodology**

Partners West Africa – Nigeria adapted 4 strategies to the observation process, namely:

- i. Expert methodology workshop
- ii. Court Observation
- iii. Case Monitoring
- iv. Criminal Justice actors' Survey on the ACJ Act/Law.

**Background of the Observation Process:**

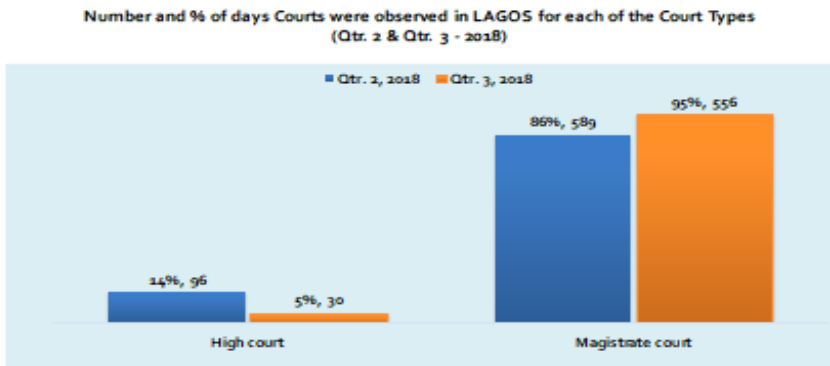
In order to maximize the resources available to the organization, PWAN works with the Chief Judges, Supervising Judges and Registrars of courts that are open to collaboration and approve access for the observers to be placed in the courts. For the purpose of identifying the specific courts, the project team and the judges adopt a purposive sampling methodology to select the courts that are being observed.

A total of 25 observers have been deployed across 25 High and Magistrate courts in Lagos State. The designated courts are in Ikeja, Apapa, Badagry, Ejigbo, Igbosere, Ijede, Isolo, Surulere and Ogba.

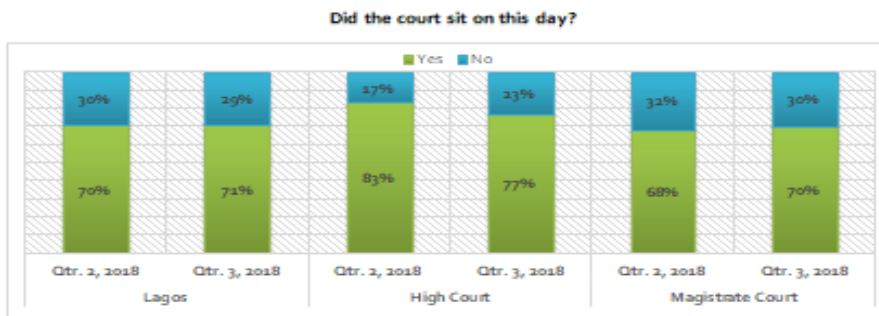
## Presentation of findings

### Court Observation

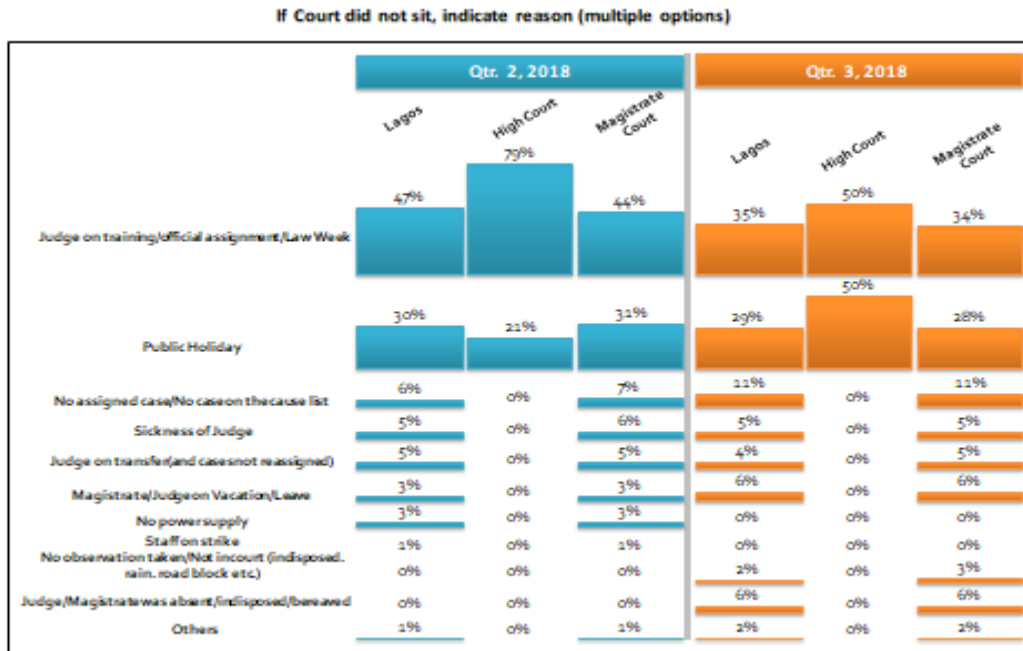
Court Observation commenced on 5<sup>th</sup> March 2018. The data presented today is from June - September 2018 with comparisons being made with data from the last quarter (March – May 2018). The observers were in court Mondays to Wednesdays every week from the date of commencement of the observation this quarter. This means each observer was in court at least for 25 days within this observation quarter, except in situations when the courts were on vacation. Magistrate courts were typically observed for more days (556) than High courts (30) due to the fact that High Courts observed their extended annual vacation from 5<sup>th</sup> July to 17<sup>th</sup> September during this period.



### 1. Court Sittings:



For the Courts observed this quarter, High Courts sat 77% of the time while Magistrate Courts sat 70% of the time, which is almost at par with findings from the previous quarter except for the High Court that had a slightly lower rating this quarter. The reasons given for courts not sitting ranged from judge on training/official assignment, public holiday and no sitting was scheduled for the day – 50% for official assignment and public holiday at High Courts and 31% & 38% respectively for both options at Magistrates courts.



## 2. Average Time of Court Sittings:

For the High courts that go on recess, the average time courts commenced sitting is 10:22am, average time for recess was 12:07pm, resumption from recess 13:12pm and on average closed for the day by 14:43pm. In the Magistrate court, the average time when the courts observed commenced sitting was 9:26am, they went on recess at 10:39am, resumed back from recess by 11:20am and closed for the day by 12:35pm on the average. Comparatively, the courts that do not go on recess on average start sitting at 9.39am and close by 11:33am.

**Average – time court started sitting, went on recess, resumption from recess & closed for the day**  
*Time (Hour : Minute)*

**COURT SITTINGS THAT INVOLVE GOING ON RECESS**

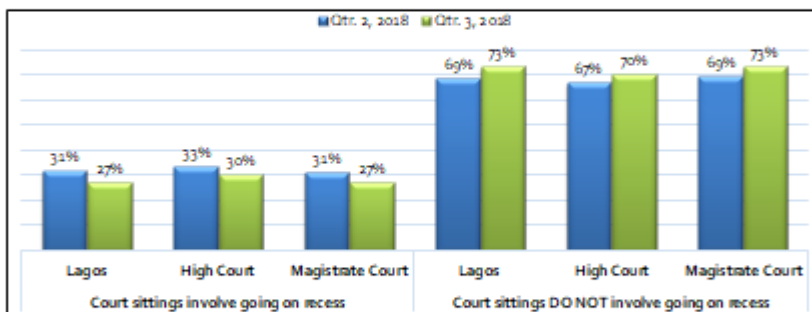
	Qtr. 2, 2018			Qtr. 3, 2018		
	Lagos	High Court	Magistrate Court	Lagos	High Court	Magistrate Court
Average time court started sitting	9:27	10:04	9:18	9:29	10:22	9:26
Average time court went on recess	10:36	11:38	10:23	10:44	12:07	10:39
Average time of resumption from recess	11:37	12:33	11:25	11:26	13:12	11:20
Average time court closed for the day	13:05	13:46	12:56	12:42	14:43	12:35

**COURT SITTINGS THAT DO NOT INVOLVE GOING ON RECESS**

	Qtr. 2, 2018			Qtr. 3, 2018		
	Lagos	High Court	Magistrate Court	Lagos	High Court	Magistrate Court
Average time court started sitting	9:32	9:54	9:28	9:39	10:10	9:38
Average time court closed for the day	11:35	12:31	11:24	11:33	13:06	11:29

The graph below shows the proportion of courts that go on recess and those that do not go on recess, 70% at High courts and 73% at the Magistrate courts observed this quarter do not go on recess. Moreover, an increase in court sittings that do not involve going on recess can be seen from the previous quarter.

**Proportion of Court Sittings that involved going on recess & NOT involving going on recess**



For the courts that go on recess, the average time spent in court is 3 hours 12mins; average time spent on recess is 1 hour 4mins, and actual time spent in sitting on cases is 2hrs 30mins. When disaggregated, the average time spent by the High Courts in sitting on cases this quarter is 3 hours 16mins, while the Magistrate Courts is 2 hours 27mins. However, the courts that do not go on recess spend an average of 1 hour 54mins in court. Accordingly, the actual time spent in sitting on all cases in all courts being observed is 3 hours 21mins on average; a significant improvement from the last quarter.

**Average – time spent in court, spent in recess, actual time spent in sitting on cases**  
*Time presented in 'Hours : Minutes'*

		Qtr. 2, 2018			Qtr. 3, 2018		
		Lagos	High Court	Magistrate Court	Lagos	High Court	Magistrate Court
Court sittings that involved going on recess	Average time spent in court (HHMM)	3:38	3:42	3:37	3:12	4:21	3:08
	Average time Spent in Recess (HHMM)	1:00	0:55	1:01	0:42	1:04	0:40
	Average actual time spent in Sitting on Cases (HHMM)	2:38	2:47	2:36	2:30	3:16	2:27
Court sittings that DO NOT involved going on recess	Average time spent in court (HHMM)	2:02	2:37	1:56	1:54	2:55	1:51
All cases observed	Average actual time spent in Sitting on all Cases (HHMM)	2:32	2:58	2:27	2:15	3:21	2:12

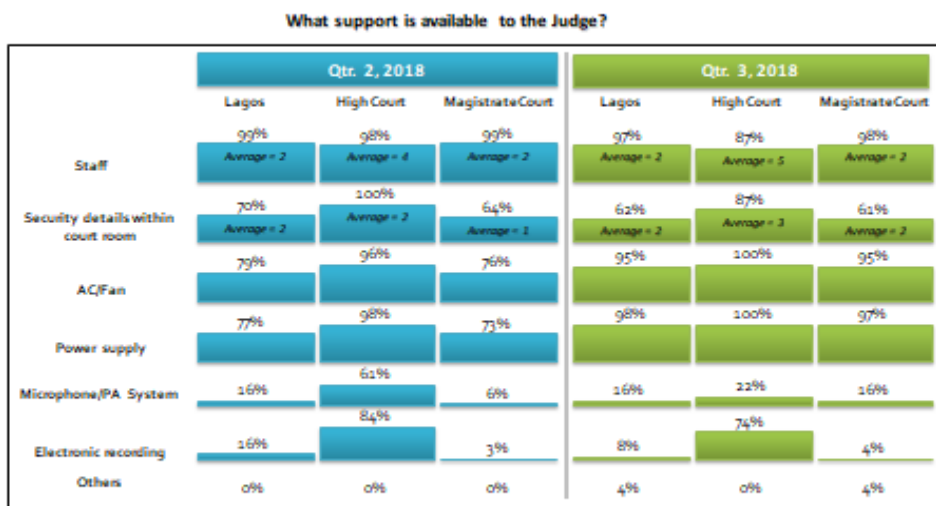
### 3. Locations of Court Sittings

**Place of court sitting: (Where did the court sit?)**

	Qtr. 2, 2018			Qtr. 3, 2018		
	Lagos	High Court	Magistrate Court	Lagos	High Court	Magistrate Court
Court Room	99%	100%	99%	97%	100%	97%
Chambers	1%	0%	1%	3%	0%	3%

Judges and magistrates sat in open courts 97% of the time during this quarter of observation, and 3% in chambers. The High Courts in particular sat in open court 100% of the time as in the previous quarter. This shows that the courts are in compliance with the provisions for free and fair trial as stated in Section 36 of the Constitution of the Federal Republic of Nigeria, which states that all trials must be held in public.

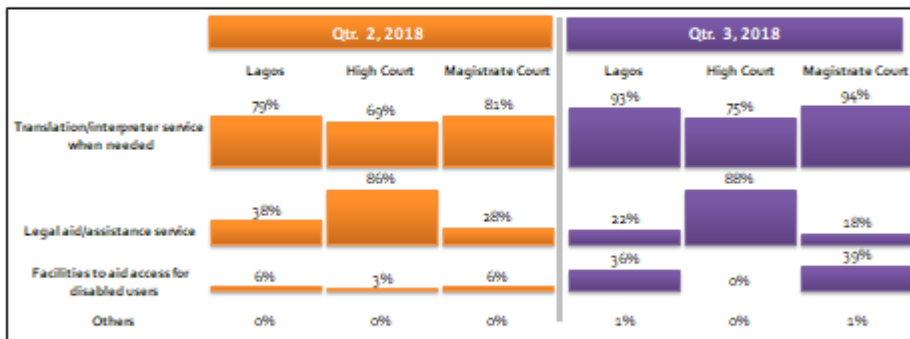
#### 4. Supports Available to the Courts



The graph above illustrates the support(s) that are available in the courts to make the job of the judges/magistrates easier and more efficient. For this quarter, observers reported that 98% of Magistrate Courts are supported by an average of two (2) other court staff, while 87% of High Courts have 5 support staff on average. 61% of Magistrate Courts have an average of 2 security details available to them during proceedings, while 87% percent of High Courts have 3 security details on average. With regards to AC/Fan and power supply in courts, 100% of the High Courts observed this quarter are equipped with these facilities while 95% and 97% of Magistrate Courts are reported to be equipped with these support facilities respectively.

There is a comparative improvement of some supports in this quarter and also some slight regressions. There is also a noticeable proportion of availability of support facilities at the High compared to Magistrate Courts in both quarters.

Nature of Users' & Parties' support available



The ACJL promotes some of the key principles for access to justice, free and fair trial that are provided for in the Constitution of the Federal Republic of Nigeria 1999 (as amended). From this quarter's observation, court users had access to interpretation and translation services in 93% of the courts observed; legal aid /assistance services rather poor in 22% of courts; and facilities to aid access for persons with disabilities at 36% of courts.

When disaggregated, legal aid services were more accessible at the High courts, while translation services were most visible at the Magistrate courts. Moreover, only 3% of courts observed restrained a person from entering the court room at any given day, and that was a Magistrate court.

Was any person restrained from entering the court room today?

	Qtr. 2, 2018			Qtr. 3, 2018		
	Lagos	High Court	Magistrate Court	Lagos	High Court	Magistrate Court
Yes	2%	3%	2%	3%	0%	3%
No	98%	97%	98%	97%	100%	97%

## 5. Attendance to Cause list

Number of cases on the day's cause list, cases attended to & percentage of cases attended to VERSUS cases on the day's cause list

	Qtr. 2, 2018			Qtr. 3, 2018		
	Lagos	High Court	Magistrate Court	Lagos	High Court	Magistrate Court
Average number of cases on the days cause list	16	8	18	18	8	18
Average number of criminal cases on the cause list	10	6	10	10	8	10
Average number of civil cases on the cause list	11	2	12	11	1	11
Average number of cases on the days cause list attended to	8	5	9	15	6	15
% of cases on the days causes list attended to Versus Cases on the days cause list	53%	72%	50%	85%	74%	85%

The findings reveal that there is an average number of 18 cases on the day's cause list, of which 10 are criminal cases while there are 11 civil cases on the average. 15 out of the 18 cases on the cause list are attended to. This shows that there is 85% attendance to cases on the day's cause list; which is another significant improvement from the previous quarter which was 53%.

In circumstances where cases were not attended to, the graph below shows that the major reasons include: *"one or all the parties were not available"* - 88% for High courts and 78% for Magistrate courts; *"one or all the lawyers were not available"* - 59% for Magistrate courts and 88% for High Courts; plus *"a witness was not available"* - 100% for High courts and 44% for Magistrate courts, etc. The fact that service of court process not effected and unavailability of files/exhibits were 18% & 19% of the reasons why cases were not attended to is also noteworthy.

Reason why some cases were not attended to (multiple options)

	Qtr. 2, 2018			Qtr. 3, 2018		
	Lagos	High Court	Magistrate Court	Lagos	High Court	Magistrate Court
One or all the parties were not available	82%	63%	84%	78%	88%	78%
One or all the lawyers were not available	72%	67%	71%	61%	88%	59%
A witness was not available	53%	50%	53%	46%	100%	44%
Services not effected	20%	13%	21%	18%	38%	17%
The files or exhibits were not available when the cases were called	20%	0%	22%	19%	25%	19%
The cases were called out of turn (by senior lawyers)	5%	0%	5%	4%	0%	5%
Power failure (and court had to adjourn sitting)	4%	0%	4%	4%	0%	5%
Court did not sit on time	3%	0%	4%	9%	0%	10%
Congestion of court dockets (large number of cases)	1%	0%	1%	3%	0%	3%
Others	10%	8%	10%	11%	0%	12%



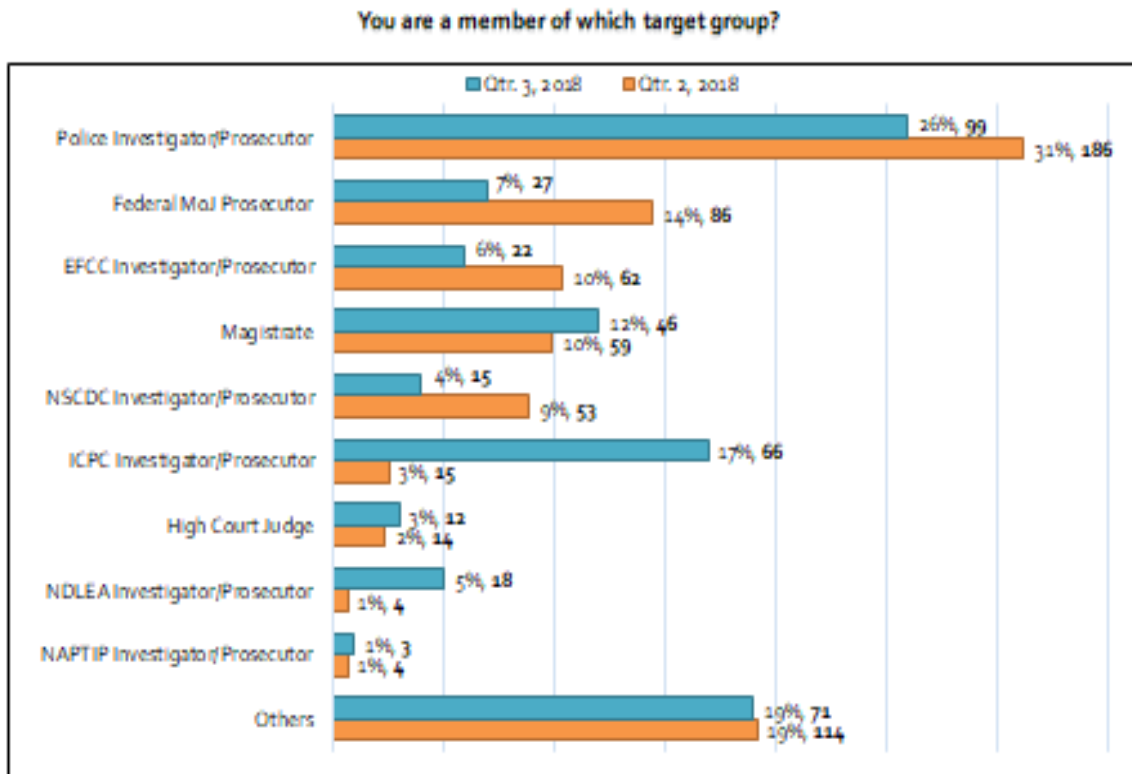
## Presentation of Findings of Criminal Justice Actors' Survey

### Background of respondents

A total of 380 criminal justice actors were surveyed in Lagos State over a period of two weeks in this quarter. Ninety nine (26%) were Police Investigators/Prosecutors, Sixty six (17%) were ICPC Investigators/Prosecutors and Fifty Eight (15%) were High Court Judges and Magistrates. Twenty seven (7%) of the total surveyed were Federal Ministry of Justice Prosecutors, while EFCC were Twenty-two (6%), NSCDC Investigators/ Prosecutors were fifteen (4%), NAPTIP were 3 (1%) and NDLEA Investigators were eighteen (5%).

It is noteworthy that seventy-one (18%) of the individuals surveyed were reluctant to indicate on the questionnaire which category they belong to. However data collectors indicated that all were criminal justice actors.

There is an improvement in the responses from the ICPC compared to the last quarter. Data collectors previously found it difficult to have access to ICPC prosecutors, however this quarter they provided access to their offices and it was easier to conduct the survey.



67% of the criminal justice actors surveyed had spent a period of 1-9 years in their current positions, while 20% had spent 10 -14 years and 13% have worked for 15 years and above in current positions.

### How long have you been at your current post?

	LAGOS	Police	Federal MoJ Prosecutor	EFCC	Magistrate	NSCDC	ICPC	High Court Judge	NDLEA	NAPTIP	Others
<b>Qtr. 2, 2018</b>											
<i>Below 1 year</i>	8%	6%	16%	7%	3%	2%	20%	14%	25%	0%	9%
<i>1 to 4 years</i>	29%	28%	37%	18%	15%	9%	40%	21%	50%	25%	46%
<i>5 to 9 years</i>	24%	24%	17%	26%	8%	32%	33%	14%	25%	50%	28%
<i>10 to 14 years</i>	22%	26%	23%	21%	24%	40%	7%	37%	0%	0%	10%
<i>15 years and above</i>	17%	16%	7%	28%	50%	17%	0%	14%	0%	25%	7%
<b>No. of respondents</b>	<b>592</b>	<b>184</b>	<b>86</b>	<b>61</b>	<b>59</b>	<b>53</b>	<b>15</b>	<b>14</b>	<b>4</b>	<b>4</b>	<b>113</b>
<b>Qtr. 3, 2018</b>											
<i>Below 1 year</i>	3%	0%	8%	5%	2%	0%	0%	0%	6%	0%	9%
<i>1 to 4 years</i>	33%	31%	38%	18%	11%	40%	20%	8%	61%	50%	59%
<i>5 to 9 years</i>	31%	30%	42%	49%	24%	60%	42%	33%	22%	0%	19%
<i>10 to 14 years</i>	20%	26%	4%	23%	33%	0%	27%	17%	11%	50%	6%
<i>15 years and above</i>	13%	13%	8%	5%	30%	0%	11%	42%	0%	0%	7%
<b>No. of respondents</b>	<b>374</b>	<b>99</b>	<b>24</b>	<b>22</b>	<b>46</b>	<b>15</b>	<b>66</b>	<b>12</b>	<b>18</b>	<b>2</b>	<b>69</b>

### 1. Management of cases since ACJL, 2011

Of the total surveyed 16% said they had handled 1-4 cases, 20% handled 5-9 cases, 21% handled 10-20 cases, 10% handled 21-29 cases while 28% indicated they have handled 30 and above cases since the advent of the ACJL.

### How many criminal cases have you handled since the Administration of Criminal Justice LAW (ACJL) came into force in the state?

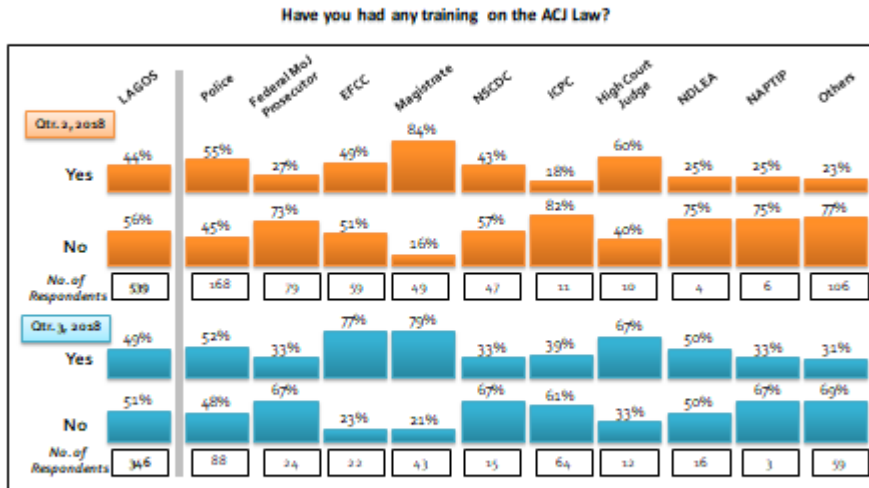
	LAGOS	Police	Federal MoJ Prosecutor	EFCC	Magistrate	NSCDC	ICPC	High Court Judge	NDLEA	NAPTIP	Others
<b>Qtr. 2, 2018</b>											
<i>None</i>	5%	2%	0%	0%	0%	4%	0%	0%	50%	0%	25%
<i>1-4</i>	10%	8%	8%	10%	0%	9%	7%	7%	0%	0%	25%
<i>5-9</i>	7%	3%	3%	8%	2%	8%	0%	7%	50%	25%	24%
<i>10 -20</i>	9%	9%	10%	8%	5%	4%	14%	0%	0%	50%	9%
<i>21-29</i>	12%	13%	9%	14%	3%	26%	43%	14%	0%	0%	8%
<i>30 and above</i>	57%	65%	70%	60%	90%	49%	36%	72%	0%	25%	9%
<b>No. of respondents</b>	<b>552</b>	<b>182</b>	<b>86</b>	<b>59</b>	<b>58</b>	<b>53</b>	<b>14</b>	<b>14</b>	<b>4</b>	<b>4</b>	<b>79</b>
<b>Qtr. 3, 2018</b>											
<i>None</i>	5%	1%	4%	14%	2%	21%	0%	0%	22%	0%	10%
<i>1-4</i>	16%	13%	12%	5%	2%	44%	8%	0%	17%	0%	37%
<i>5-9</i>	20%	16%	38%	23%	9%	0%	15%	8%	39%	67%	26%
<i>10 -20</i>	21%	20%	27%	40%	4%	7%	32%	51%	11%	0%	15%
<i>21-29</i>	10%	18%	4%	18%	2%	7%	14%	8%	0%	0%	3%
<i>30 and above</i>	28%	32%	15%	0%	81%	21%	31%	33%	11%	33%	9%
<b>No. of respondents</b>	<b>374</b>	<b>99</b>	<b>26</b>	<b>22</b>	<b>46</b>	<b>14</b>	<b>65</b>	<b>12</b>	<b>18</b>	<b>3</b>	<b>68</b>

## 2. Capacity Building & knowledge of ACJL, 2011

42% of criminal justice actors surveyed indicated that they have “read some provisions of the ACJL that apply to their functions & powers.” Of the total, 20% indicated that they have not read the provisions of the ACJL. Nevertheless, (38%) of respondents indicated that they have “read all of the provisions of the ACJL 2011’.

### To what extent have you read the Administration of Criminal Justice Law?

	LAGOS	Police	Federal MoJ Prosecutor	EFCC	Magistrate	NSCDC	ICPC	High Court Judge	NDLEA	NAPTIP	Others
<b>Qtr. 2, 2018</b>											
<i>I have not read the provisions of the ACJL</i>	9%	6%	0%	11%	6%	13%	8%	0%	75%	75%	23%
<i>I have only read those Provisions of the ACJL that apply to my functions &amp; powers</i>	56%	60%	66%	69%	15%	84%	46%	62%	0%	25%	50%
<i>I have read all the provisions of the ACJL</i>	35%	34%	34%	20%	79%	3%	46%	38%	25%	0%	27%
<b>No. of respondents</b>	<b>469</b>	<b>167</b>	<b>82</b>	<b>54</b>	<b>54</b>	<b>31</b>	<b>13</b>	<b>13</b>	<b>4</b>	<b>4</b>	<b>48</b>
<b>Qtr. 3, 2018</b>											
<i>I have not read the provisions of the ACJL</i>	20%	26%	0%	9%	5%	50%	5%	9%	14%	67%	47%
<i>I have only read those Provisions of the ACJL that apply to my functions &amp; powers</i>	42%	56%	38%	41%	26%	36%	49%	18%	72%	33%	28%
<i>I have read all the provisions of the ACJL</i>	38%	18%	62%	50%	69%	14%	46%	73%	14%	0%	25%
<b>No. of respondents</b>	<b>349</b>	<b>87</b>	<b>26</b>	<b>22</b>	<b>43</b>	<b>14</b>	<b>65</b>	<b>11</b>	<b>14</b>	<b>3</b>	<b>64</b>

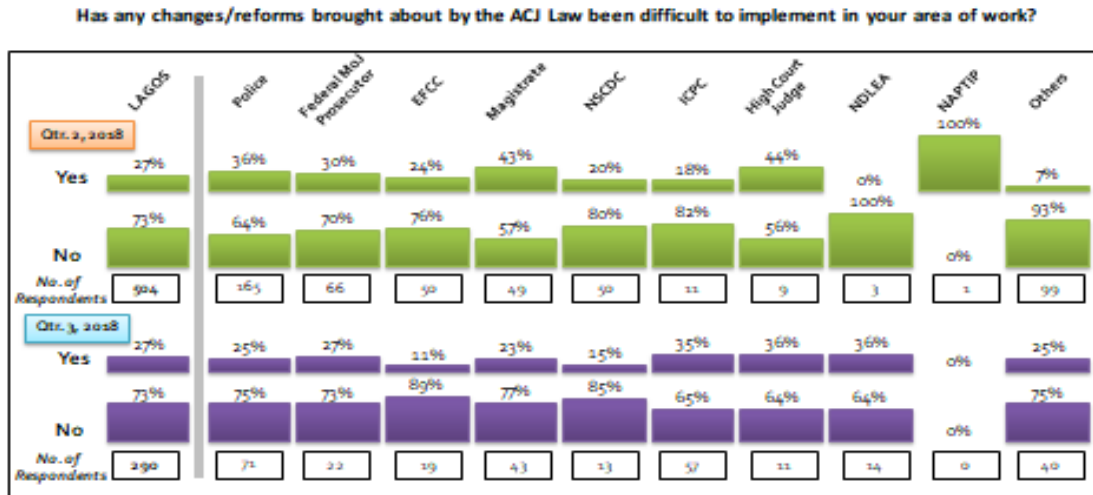


169 respondents (49%) indicated that they have been trained on the various provisions of the ACJL 2011; out of which 64% said the training was provided by employers. It is worthy of note that a large number of respondents indicated that they had not received any training on the ACJL especially those from the police and ICPC.

**If yes, who provided the training?**

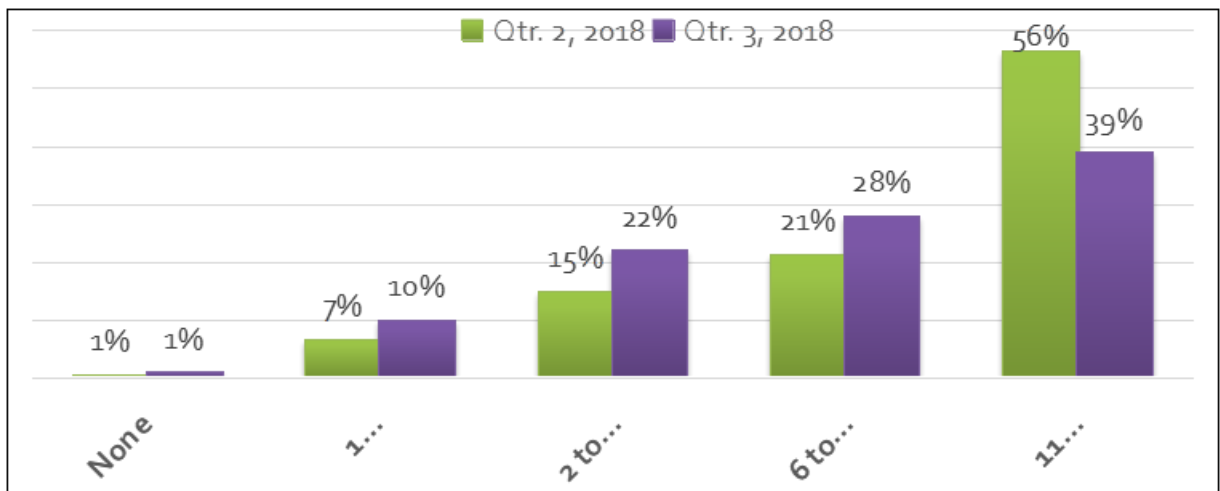
	LAGOS	Police	Federal Maj Prosecutor	EFCC	Magistrate	NSCDC	ICPC	High Court Judge	NDLEA	NAPTIP	Others
<b>Qtr. 2, 2018</b>											
My employer	76%	81%	58%	73%	95%	56%	100%	83%	100%	100%	74%
Another government agency	17%	21%	21%	5%	18%	6%	0%	33%	0%	0%	16%
A donor supported programme	12%	9%	42%	14%	0%	22%	0%	17%	100%	0%	5%
Others	5%	4%	0%	14%	0%	17%	0%	0%	0%	0%	5%
No. of respondents	202	75	29	22	38	18	2	6	1	1	29
<b>Qtr. 3, 2018</b>											
My employer	64%	64%	60%	88%	76%	80%	62%	50%	38%	0%	33%
Another government agency	25%	27%	20%	19%	30%	20%	12%	25%	38%	0%	33%
A donor supported programme	20%	9%	40%	12%	12%	0%	54%	38%	25%	100%	13%
Others	6%	9%	0%	0%	3%	0%	4%	0%	0%	0%	20%
No. of respondents	161	45	5	16	33	5	24	8	8	1	15

73% of respondents say changes brought by the ACJL 2011 have **not** been difficult to implement. However, 36% of judges and 23% of magistrates say some changes brought about by the ACJL have been difficult to implement.



### 3. Pre-trial & Trial requirements

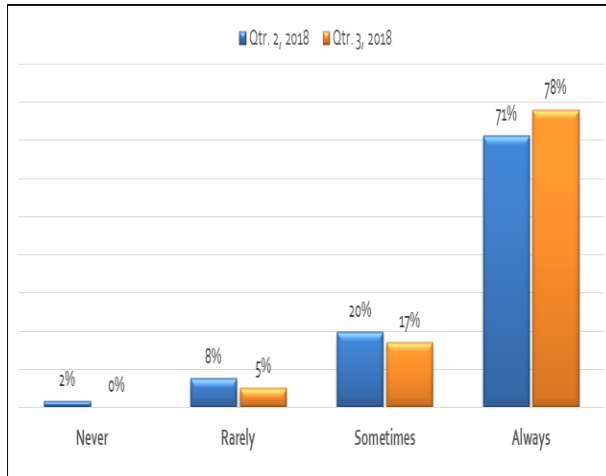
Since the coming into force of the ACJL how many criminal cases have you been involved in that led to the arrest and or prosecution of the suspects in the case?



48% of prosecutors & investigators surveyed indicated that they have been involved in 2-10 cases that led to arrest & prosecution of suspects, while 39% have been involved in over 11 cases leading to arrest & prosecution since the ACJL came into force.

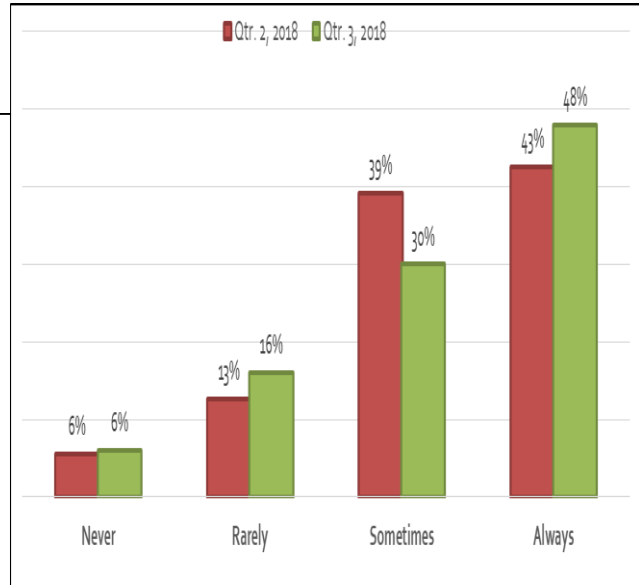
**If you were involved in at least 2 cases that led to the arrest and or prosecution of suspects, how often did you...?**

*Inform the arrested persons the reason(s) for their arrest, whether orally or in writing?*



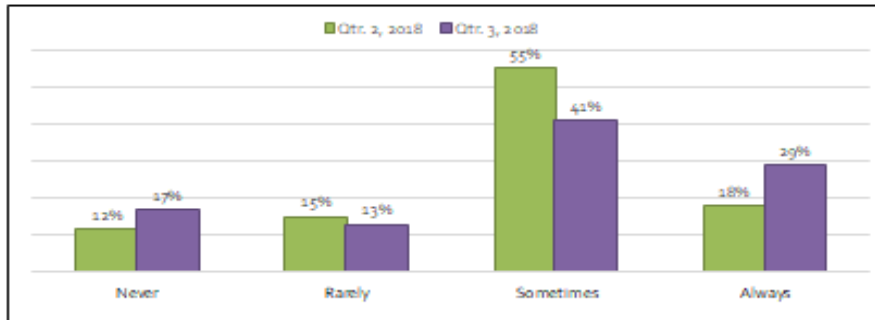
**If you were involved in at least 2 cases that led to the arrest and or prosecution of suspects, how often did you...?**

*Allow the accused person's legal counsel to be present during interrogation?*



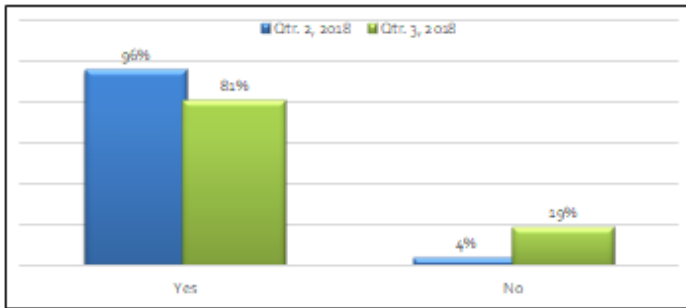
**If you were involved in at least 2 cases that led to the arrest and or prosecution of suspects, how often did you...?**

*Make a video recording of the confessional or other statement of the suspects; or in the absence of a video recording, allow a legal practitioner to be present during the making of the statement?*



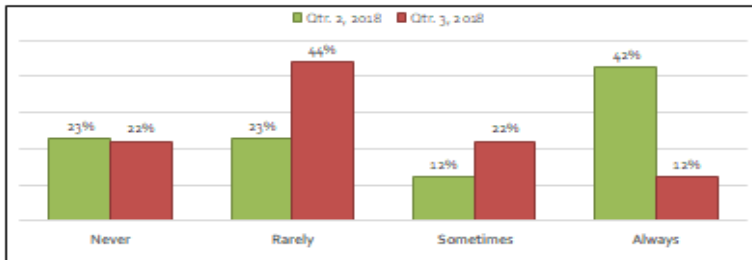
In line with the provisions of the 2011 ACJL, 78% of the respondent investigators & prosecutors say they “always” inform the person(s) the reasons for their arrest either orally or in writing; which is a slight increase from the previous quarter. 48% of respondents “always” and 30% “sometimes” allow defendant’s legal counsel to be present during interrogation. Then again, 29% of respondents indicated that they “always” make a video record of confessional statement of suspects, and in the absence of video recording allow legal counsel while taking statements; a slight increase from the previous quarter.

Since the coming into force of the ACJL, have prosecutors/investigators presented confessional or other statements of defendants in cases in your court?



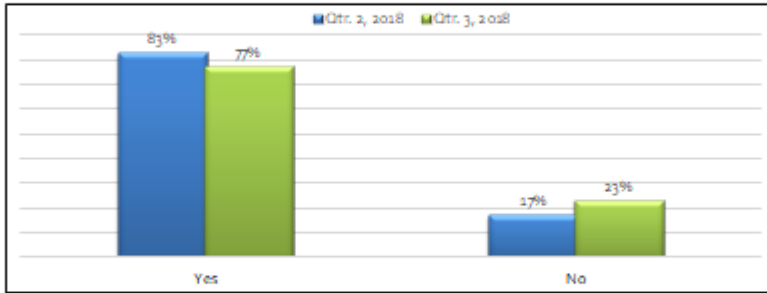
81% of members of the judiciary surveyed said that since the introduction of the ACJL 2011, prosecutors/investigators have presented confessional or other statements of defendants in their courts.

If yes, how often do they present video recording of the confessional or other statement of the suspects; or in the absence of a video recording, present written statements or confessions of suspects endorsed by legal practitioners of the suspects?



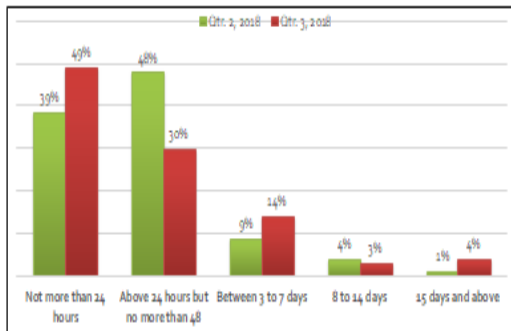
However, only 12% of these respondent members of the judiciary say that prosecutors present video recording of the confessional or other statement of the suspects; or in the absence of a video recording, present written statements or confessions of suspects endorsed by legal practitioners of the suspects; which is worrying and is also a significant decrease from the last quarter which was 42%.

In the cases you were involved, were the suspects granted bail by your agency (police or other law enforcement agency)?

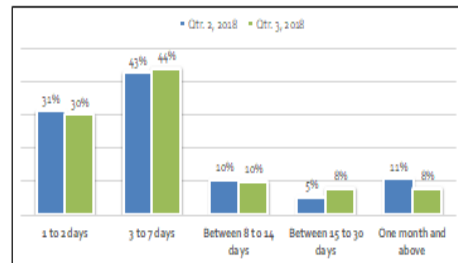


77% of respondents from law enforcement agencies answered in the affirmative when asked if suspects were granted bail by their agencies in cases they were involved in.

On the average, how long did it take for the suspects to be granted bail by your agency (police or other law enforcement agency), from the time of their arrests?



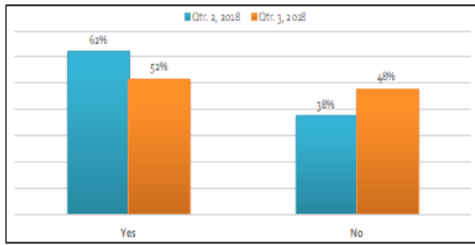
For the cases you were involved, on the average how long did it take from arrest of the suspects to the case being charged to court?



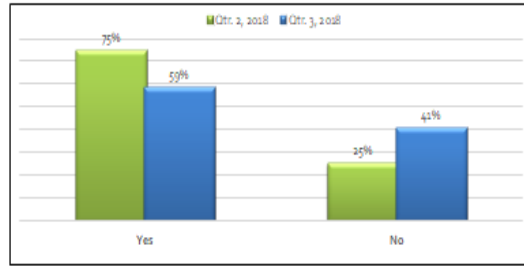
49% of respondents said that it took not more than 24 hours for suspects to be granted bail by their agencies from the time of their arrests, while 44% said it took between 3 to 7 days on the average for cases they were involved in to be charged to court.



Did you have cause to apply to a Magistrate or Judge for an order to remand a suspect in any of the cases you were involved in?

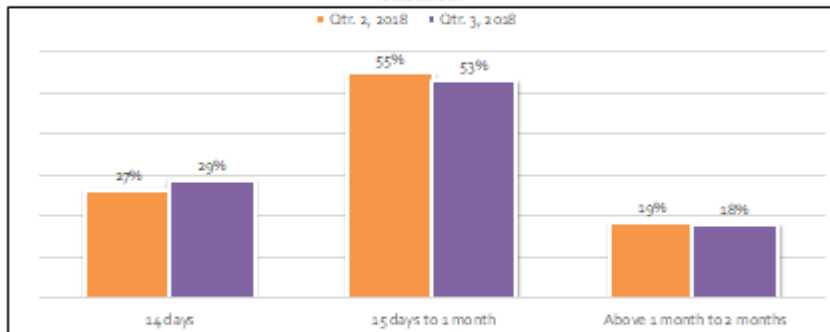


Did you have cause to apply to a Magistrate or Judge for an extension of the remand order?



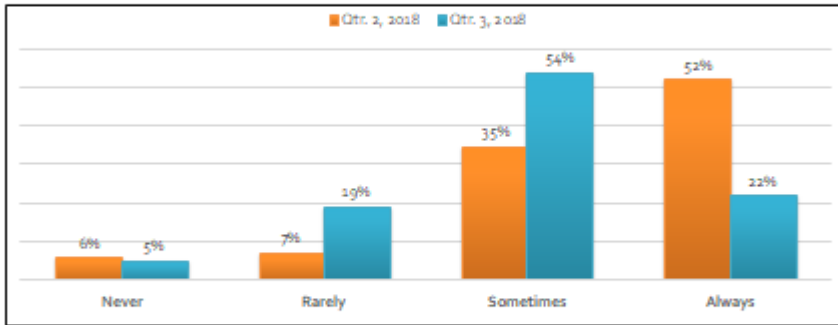
52% of respondent prosecutors/investigators applied to the magistrate for remand of arrested suspects, 59% of which had to apply for extension of the remand order.

On the average how long did it take between the original order for remand and the application for extension; or between an order for extension and a subsequent application for further extension?



53% of prosecutors and investigators surveyed said it takes 15 days to 1 month between the original order of remand and the application for extension. This is almost at par with the last quarter survey.

Since the coming into force of the ACJL how often do law enforcement or prosecutorial agencies apply for remand orders from your court?

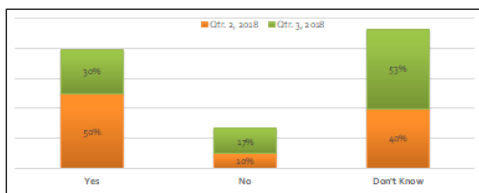


Pursuant to sections 264 to 266 of the ACJL, 54% of respondent members of the judiciary said that since the coming into force of the Law, they “sometimes” receive applications for remand orders in their courts, while 22% said that they “always” receive these applications from law enforcement or prosecutorial agencies.

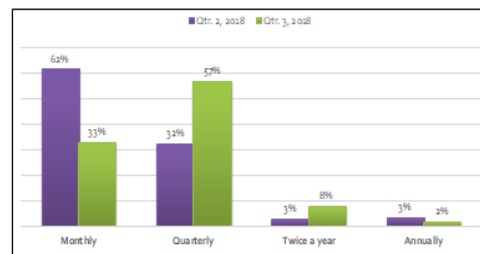
#### 4. Oversight powers (Lagos State MOJ, Police & Judiciary)

For oversight purposes and to ensure accountability, Sec. 10 (3) of the 2011 ACJL mandates the Commissioner of Police or head of agency authorized by law to make arrest to remit quarterly reports to the State Attorney General of all arrest made with or without warrant. Only 30% of respondents surveyed this quarter said that the Commissioner of Police or Head of a prosecutor agency sent the reports out of which 33% said he/she does monthly while 44% said he/she does quarterly.

Since the coming into force of the ACJL has the Commissioner of Police; or head of your agency sent records of arrests /detention to the Attorney General of the State?

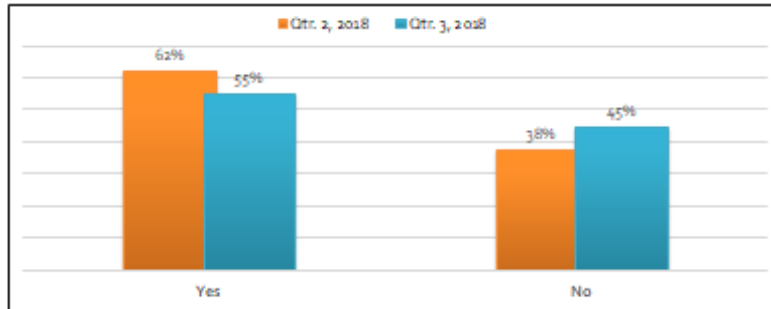


If yes, how often?



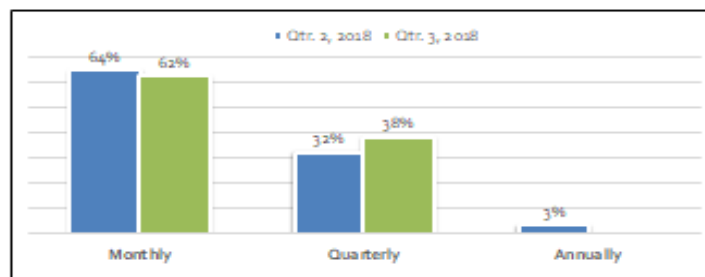
Again 55% of the respondents said since ACJL, their police stations or units of their agencies have sent reports of arrest made without warrant to a magistrate or judge. 62% of these respondents said that these reports have been sent monthly, while 38% said that their reports were sent quarterly.

Since the coming into force of the ACJL, has your police station (or unit of your agency) sent reports of persons arrested without warrant to a Magistrate or Judge?

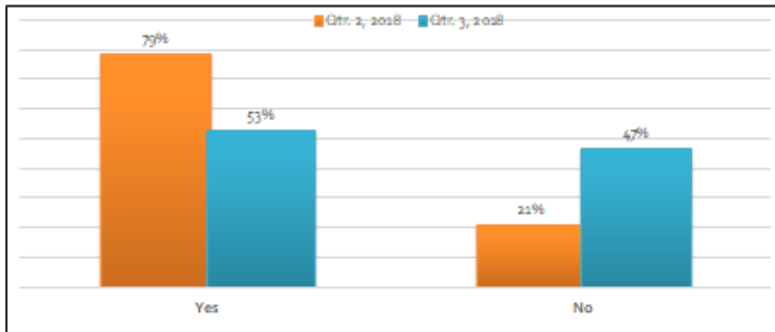


	Qtr. 2, 2018		Qtr. 3, 2018	
	N	%	N	%
Magistrate	2	50%	3	75%
High Court Judge	8	89%	0	0%
Police Investigator/Prosecutor	114	80%	38	66%
Federal Mail Prosecutor	18	35%	13	62%
ICPC Investigator/Prosecutor	1	9%	15	28%
EFCC Investigator/Prosecutor	30	67%	11	61%
NAPTIP Investigator/Prosecutor	3	75%	3	100%
NSCDC Investigator/Prosecutor	26	52%	3	50%
NDLEA Investigator/Prosecutor	1	33%	5	56%
Others	42	56%	23	72%

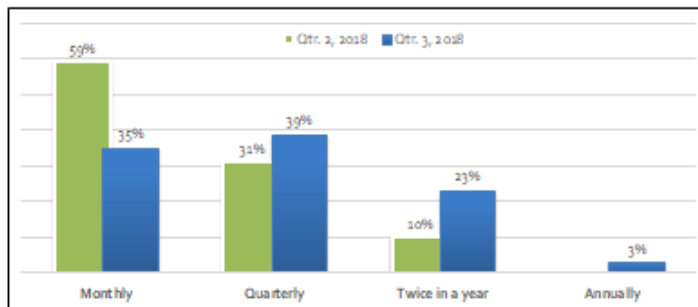
If yes, how often?



Since the coming into force of the ACJL, do you send to your head of court (CJ) reports of criminal cases in your court whose trial do not commence after 30 days of arraignment or; where commenced within 30 days are not concluded/disposed of after 180 days from arraignment?

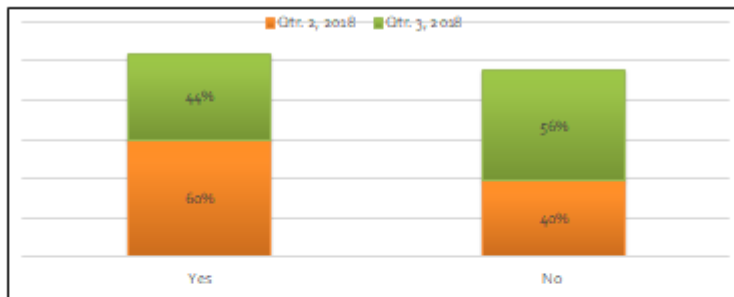


If yes, how often?



Regarding oversight of Chief Judge on Magistrates & Judges, 53% of respondent members of the judiciary said they usually send reports of criminal cases that have not commenced in their courts within 30 days of arraignment to the Chief Judge. 39% said they do this on a quarterly basis.

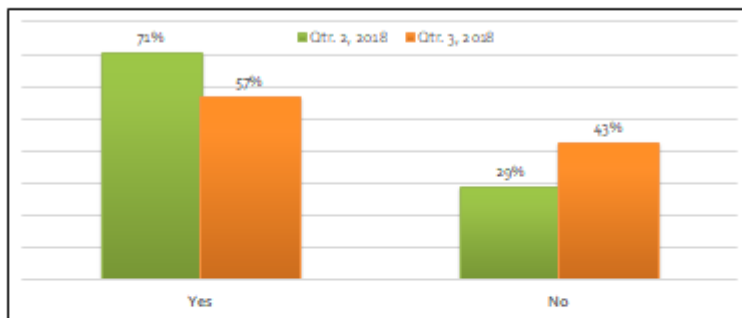
Since the coming into force of the ACJL, has a magistrate/Judge carried out an inspection of your agency's place of detention?



	Qtr. 2, 2018		Qtr. 3, 2018	
	N	%	N	%
Magistrate	2	50%	3	75%
High Court Judge	4	57%	2	100%
Police Investigator/Prosecutor	114	75%	43	57%
Federal Maj Prosecutor	32	58%	8	67%
ICPC Investigator/Prosecutor	2	14%	11	17%
EFCC Investigator/Prosecutor	33	65%	9	53%
NAPTIP Investigator/Prosecutor	1	25%	3	100%
NSCDC Investigator/Prosecutor	25	51%	1	17%
NDLEA Investigator/Prosecutor	1	33%	4	40%
Others	49	49%	17	46%

44% of prosecutors/investigators surveyed said that since the ACJL in 2011, magistrates/judges have carried out inspection of their detention centers on a monthly or quarterly basis. To buttress this fact, 57% of judges & magistrates surveyed agreed.

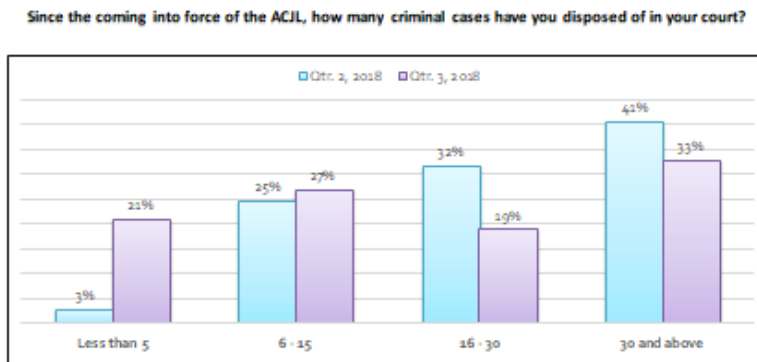
Since the coming into force of the ACJL, have you carried out an inspection of a place of detention (other than the prison)?



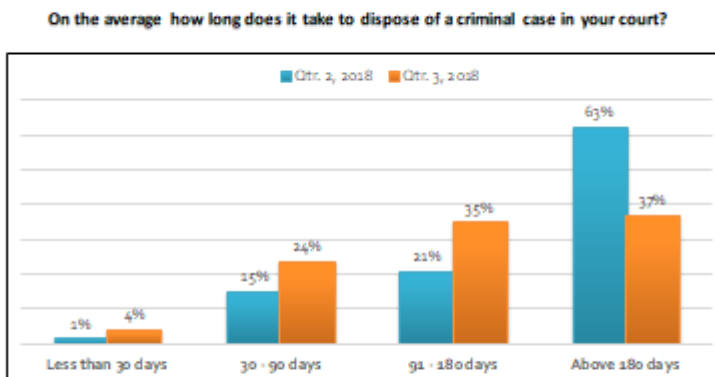
	Qtr. 2, 2018		Qtr. 3, 2018	
	N	%	N	%
Magistrate	43	78%	24	63%
High Court Judge	5	83%	7	100%
Police Investigator/Prosecutor	1	20%	0	0%
Federal Maj Prosecutor	2	50%	0	0%
ICPC Investigator/Prosecutor	0	0%	2	40%

## 5. Speedy trial

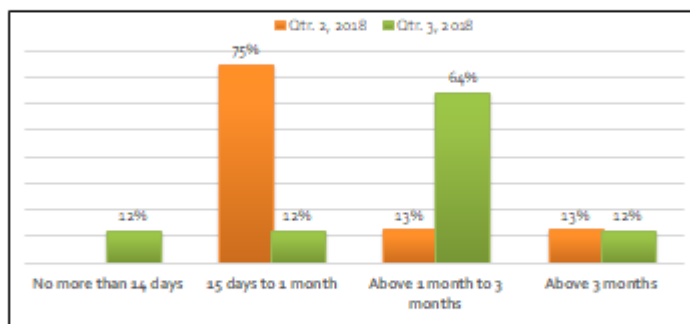
One of the ultimate intentions of the drafters of the ACJL 2011 is to ensure speedy trials and dispensation of justice. Out of the total 58 members of the judiciary surveyed, 19 (33%) respondents said they have disposed of over 30 criminal cases since the introduction of ACJL; 15 (27%) respondents indicated that they have disposed of 6-15 cases, while 12 (21%) specified disposing of less than 5 cases.



35% of members of the judiciary surveyed said it takes them 91-180 days to dispose of criminal cases in their courts, while 37% said it takes them above 180 days to do same from inception of the case to the end.



What is the average duration of adjournments in criminal cases in your court?

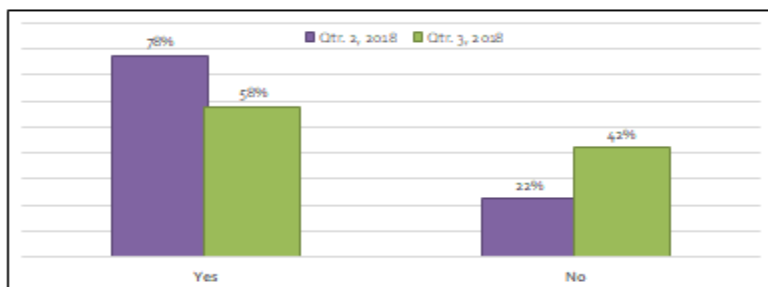


37 (64%) members of the judiciary surveyed indicated that the average duration of adjournments is above 1 month, which is a significant shift from the previous quarter that had 75% of respondents saying that the average duration is 15 days to 1 month.

## 6. Management of Witness expenses

Pursuant to Sections 191 – 194 of the ACJL, 58% of respondents members of the judiciary surveyed said that since the law, they have ordered for witness expenses such as cost or compensation for loss of time. This provision places a responsibility on the judiciary. This would require the Chief Judge to make budgetary provisions for the anticipated expenditure in its annual budget and to manage payment therein.

Since the coming into force of the ACJL, have you ever ordered for witness expenses (whether for cost, expense or compensation for lost of time) to be paid to any witness in a criminal case before you?



## **Observations and Commendations**

1. Based on PWAN's recommendation during the last quarter on the need to invest in building the capacity of criminal justice actors in the State, the findings from this quarter's observation have revealed that it is a tedious environment for stakeholders to deliver on the effective implementation of the ACJL. PWAN would like to encourage all criminal justice establishments in the State to train and retrain their employees, by coordinating with each other and working with relevant CSOs towards engaging practitioners in seminars, workshops, conferences and other forms of interface to ensure that members of stakeholder institutions are abreast and educated on their responsibilities.
2. We commend the Lagos State Government on recent efforts to review the ACJL so as to make it even more effective. It is our hope that the review not only will eliminate current obstacles hindering effective enforcement of the law, but would further contribute to its effective implementation by reducing delays in the dispensation of justice.
3. We commend the Lagos State Judiciary for its continued willingness and commitment in cultivating a zero tolerance for corruption. It is our hope that the judiciary continues to vigorously pursue its goal of being corrupt-free by effectively improving public access, transparency and accountability so as to boost confidence of the public in the judiciary. The commitment Statement by all staff would help in making the State judiciary more dynamic, innovative and proactive thereby guaranteeing rule of law and access to justice.
4. Admissibility of evidence is a burning issue as always, especially electronic recordings; PWAN notes that some officers find it difficult to follow the provisions of the Law to the later as demanded by the courts due to the unavailability of these devices in police stations and other detention places. Suspects usually make admissions only to change their minds in court before the judge; so, officers' hands are tied for now with regards to this provision.

## **Recommendations**

There is a need to invest in the judiciary as a crucial third arm of government so as to strengthen our rule of law, governance and democratic process. The status of Lagos State as being the foremost state on judicial reforms in the country makes every other State in the country look up to it for improvement. Taking this into consideration, PWAN would reiterate the following recommendations:

1. Provision of working equipment: There is need for government to appropriate and provide equipment such as electronic recorders for effective discharge of duties by judges and magistrates. The Lagos State government should particularly increase its investments in the magistrate courts by providing relevant equipment because they clearly lack in this regard as the analysis has shown.
2. The continued lack of access by persons with disabilities to Magistrate courts in particular needs to be addressed. Lagos State government and/or judiciary should make its judicial system more inclusive by providing ramps for access into the court premises and additional legal aid to enhance access to justice.
3. The Commissioner of Police and Heads of other criminal justice agencies in Lagos State should expedite efforts in providing electronic recorders and other requisite devices. Other stakeholders including CSOs are always willing to partner in these instances. Investigative and



Prosecutorial agencies in the State should have at least one interrogation room fully equipped with the necessary recording gadgets so that suspects, especially those suspected of committing serious violent crimes or grand corruption will be effectively interrogated and recorded. Moreover, when provided with tools for effective discharge of duties, these agencies should use them with duty of care.

4. This report reveals that there are gaps in inter-agency coordination and collaboration on administration of criminal justice. However, with the ACJL of Lagos State set for a review, PWAN wishes to reiterate that one of the unique innovations of the law is the opportunity to set up a coordinating framework/platform. It is imperative now more than ever to financially and morally support the State Criminal Justice Monitoring Committee that was inaugurated by the Chief Judge of Lagos State a few months back; so as to ensure effective coordination of criminal justice agencies and monitor implementation of the law in the State.
5. The Executive and Legislature should appropriate for witness expenses in the budget to the judiciary. When this is done, the Judiciary should provide a schedule for witness expenses in line with the requirements of the ACJL. This will allow for more information on what witness are entitled to.
6. PWAN acknowledges the issues of lack of funding among government agencies, but ensuring effective criminal justice administration still needs to be achieved. So all stakeholders need to make sure that those saddled with these responsibilities know what is demanded of them and actually comply with these demands as much as possible so as to ensure a functioning criminal justice system where criminals get the punishment they deserve.
7. There is a crucial need for officers of various investigative/prosecutorial agencies to inform suspects on reasons of their arrest, their constitutional right to remain silent and their right to legal representation pursuant to section 3 of the Law. There is a further need for officers to conform to other arrest protocol as provided by the Law, such as the prohibition of arrest of persons in lieu of suspects (s.4), and the need to collect adequate information including BVNs from banks of suspects to severe criminal offences. With adequate suspects' information, they can be released, monitored or traced at any given time.
8. Acknowledgment of good practices should be encouraged at all levels of the criminal justice system. This should include identifying and celebrating criminal justice practitioners that are doing good work in their various agencies and institutions.
9. Criminal Justice agencies should allow the flow and access to information among each other on one hand, and to the general public on the other hand in promotion of the FOI Act. The willingness of the Lagos State judiciary on information disclosure to understand the level of implementation of the law is a clear example that should be emulated by others which will ultimately enhance access to justice.
10. Finally, PWAN would further recommend that the legal department of the Lagos State Police Command and other sister agencies respectively forward quarterly reports to the Commissioner of Police Lagos Command and the various Heads of Agencies, who in turn will forward to the Attorney General of Lagos State. This will supplement the reports already being sent by the COP to the AG of Lagos State in accordance with the law.