



**RULE OF LAW AND EMPOWERMENT INITIATIVE**  
also known as **PARTNERS WEST AFRICA NIGERIA**

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

**(JULY 2017 – SEPTEMBER 2018)**

**BY MINOE DUAMWAN, PROGRAM OFFICER, RULE OF LAW AND EMPOWERMENT INITIATIVE (ALSO KNOWN AS PARTNERS WEST AFRICA – NIGERIA)**

The “Enhancing Transparency and Accountability in the Judicial Sector” is a 3 year project being implemented by the Rule of Law and Empowerment Initiative also known as Partners West Africa Nigeria) with Support from the MacArthur Foundation. With the goal of enhancing 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’s participation in judicial processes and improve access to information on judicial proceedings with regards to compliance of the ACJL. We aim to achieve this through social accountability in the judicial sector.

To ensure effective collaboration, Partners West Africa – Nigeria worked with the state High Courts in the Federal Capital Territory (FCT), Lagos & Ondo; Administration of Criminal Justice Monitoring Committee; the Nigerian Bar Association (Akure, Gwagwalada, Ikeja, Lagos Island, & Unity Branches), Nigeria Institute of Advance Legal Studies, civil society organizations & the media.

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:**

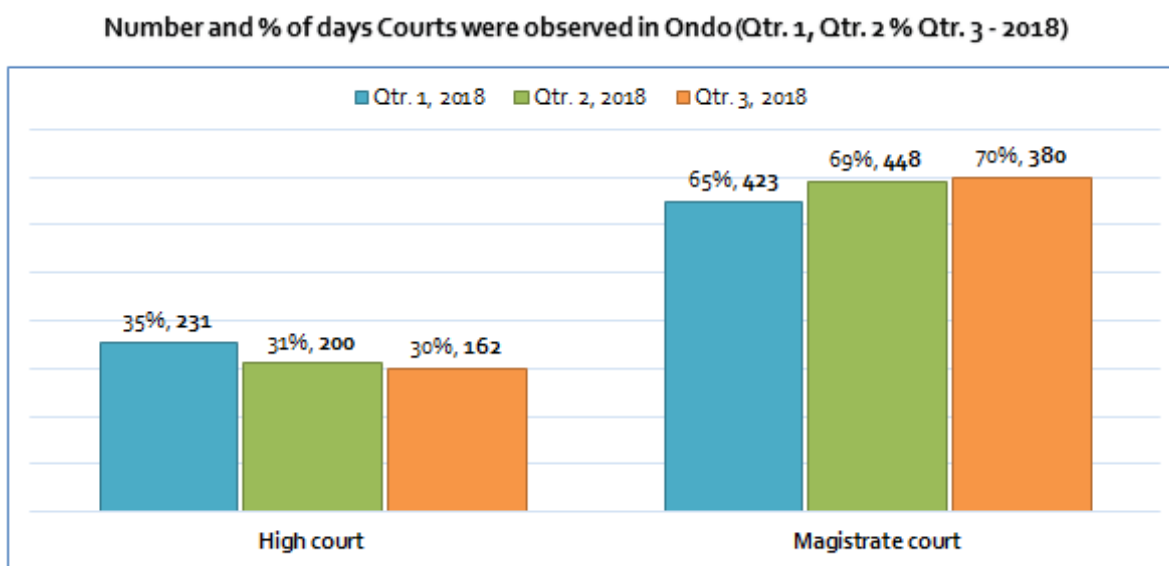
The project is working with the Chief Judges, Supervising Judges, Registrars of the courts that were open to collaboration and approved access for the observers to be placed in the courts. These findings are for observation in Ondo State.

- A total of 20 observers were deployed across 20 High and Magistrate courts in the Ondo State. The designated courts were in Akure, Ikare, Ondo town & Olokuta town

## Presentation of findings

### Court Observation

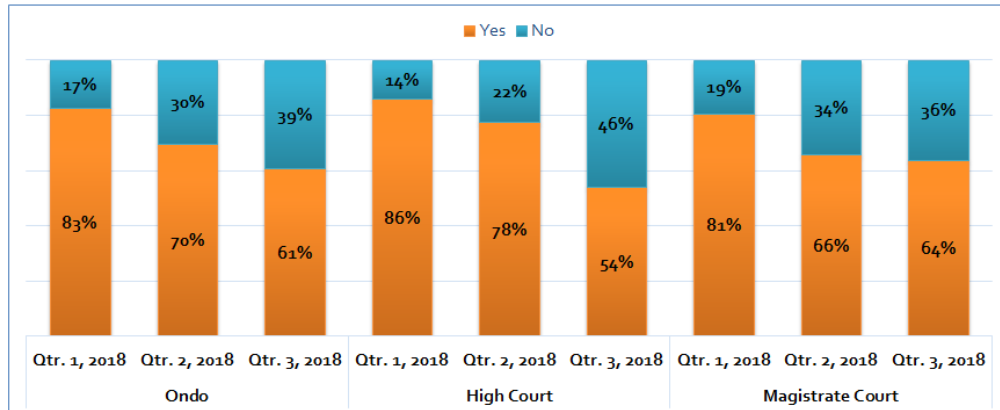
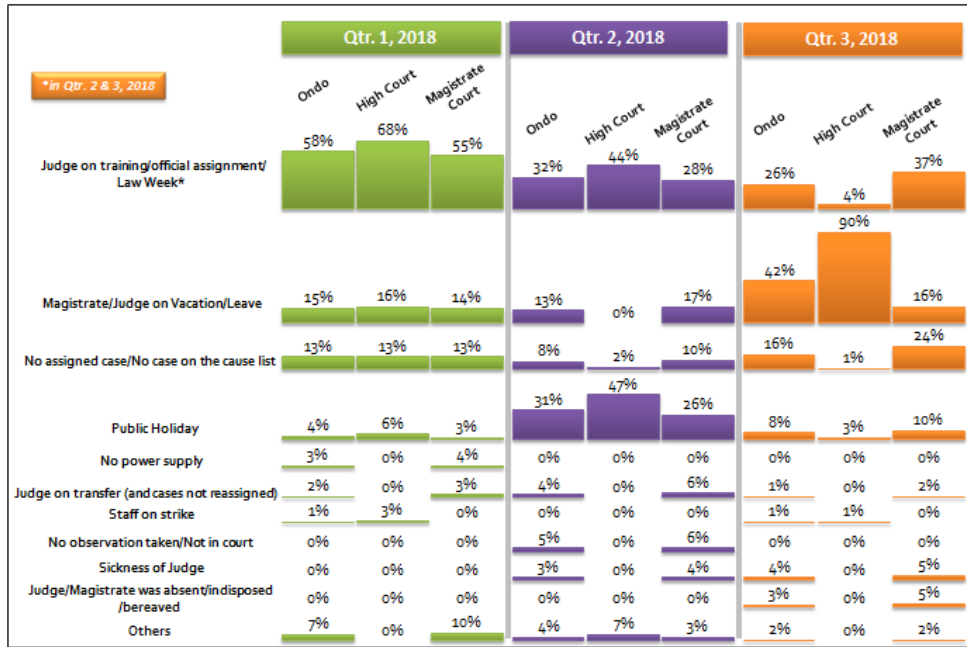
Court Observation commenced on 13<sup>th</sup> November 2017. The data being presented today is from July 2018 - September 2018 and will compare the data from November 2017 – September 2018. The observers were in court Mondays to Wednesdays every week from the date of commencement of the observation process. This means each observer was in court at least an average of 27 days within this period. Magistrate courts were observed for 380 days while High courts were observed for 162 days.



### Chart 1: Court Sitting

In this quarter the reasons given for courts not sitting ranged from official assignment/training, vacation/leave and no sitting was scheduled for the day, etc. shows that 4% for official assignment at High Courts as compared to 44% in quarter 2 and a high rate of 68% in quarter 1, which shows that most of the Judges were not on official assignments or training this quarter and vacation/leave. Also (37%) of the time the Magistrates courts this quarter were on official assignment/training, vacation/leave as compared to the lower rate of 28% in quarter 2 and 55% in quarter 1.

If Court did not sit, indicate reason (multiple options)



The chart above shows the average number of times the court sat within the period of observation, 54% of the time the high court sat which is low in comparison with 78% in quarter 2 and 86% for the 1<sup>st</sup> quarter. While 64% shows that of the Magistrate courts as compared to 66% and 81% in the first and second quarter of observation.

**Chart 2: Average Time of Court Sitting**

In the High court, the average time the courts observed commenced sitting was 9:05am, they went on recess at 10:51am and resumed back from recess by 11:13am and closed for the day by 12:49pm. For the Magistrate courts, average time courts start sitting is 9:26am, average time for

recess is 11:20am, resumption from recess 11:42am and on average close for the day by 12:58pm.

**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**

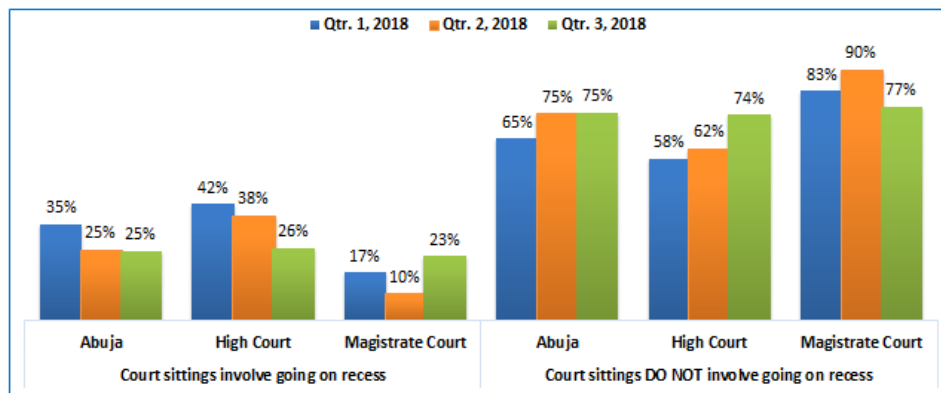
	Qtr. 1, 2018			Qtr. 2, 2018			Qtr. 3, 2018		
	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court
Average time court started sitting	9:20	9:12	9:24	9:22	9:24	9:20	9:20	9:05	9:26
Average time court went on recess	11:03	11:24	10:52	10:54	10:54	10:54	11:12	10:51	11:20
Average time of resumption from recess	11:24	11:53	11:08	11:20	11:25	11:18	11:34	11:13	11:42
Average time court closed for the day	13:30	14:00	13:14	12:50	12:56	12:48	12:56	12:49	12:58

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

	Qtr. 1, 2018			Qtr. 2, 2018			Qtr. 3, 2018		
	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court
Average time court started sitting	9:24	9:20	9:26	9:23	9:19	9:24	9:23	9:19	9:24
Average time court closed for the day	12:01	11:19	12:26	11:42	11:21	11:53	11:39	11:41	11:38

The chart below reveals the proportion of court sitting that involves the court going on recess and not involving going on recess, 74% shows the proportion in the High court and 77% in the Magistrate court.

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

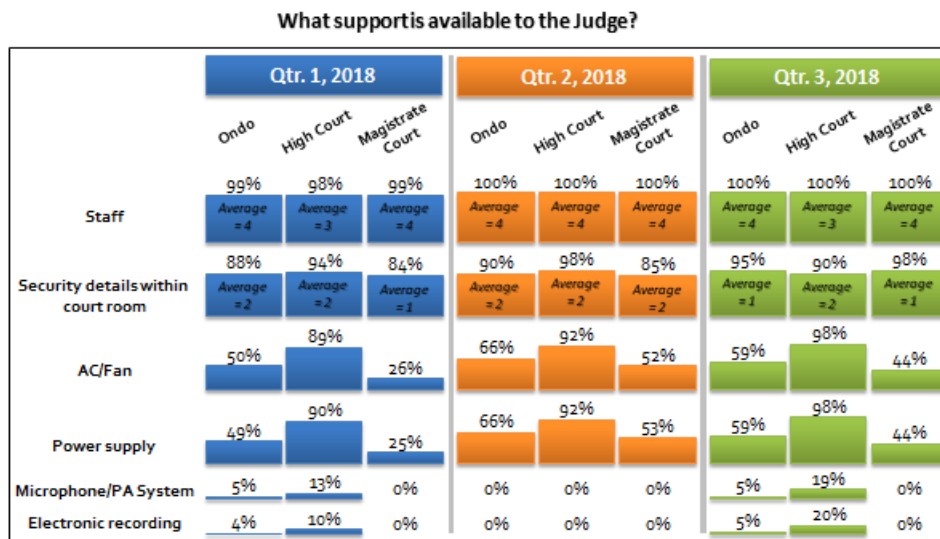


Looking at the average time spent in court that involves going on recess and the actual time spent in sitting on a case, reveals that the average time spent in the High court is 3hours 43mins, and

the Magistrate court is 3hours and 32mins. On the time spent in recess the High court spent an average of 22mins, 21mins is the time the Magistrate courts spend on recess. The actual time spent in a sitting on cases was observed and the High court spent an average of 3hours 21mins on a case and the Magistrate courts spent 3hours 10mins averagely.

In observing court sitting time that do not involve the court going on recess, the average time spent in court shows that the High court spent 2hours and 22mins and the Magistrate spent about 2hours 14mins while the average time spent on a case without recess in the High court is 2hours 28mins and 2hour 19mins in the Magistrate courts.

**Chart 3: Support Available to the Judges**



From the chart above, the observation looked at the support readily available to make the Judges and Magistrates work easier and also make them work efficiently. Both the High courts and Magistrates courts had 100% staff (manpower) available to the judge and Magistrate to make their job easier, an average of 3 for high court as compared to an average of 4 for the Magistrate courts. 90% shows the availability of security detail within the court rooms available at the High court and 98% at the Magistrate court. On the lower end is 19% for microphone/PS system and 20% for electronic recording at the High Courts. However in the Magistrate Courts no electronic recording device was available.

However on availability of electricity, security officials within court rooms and AC/Fan the High Courts had (98%), (90%), and (98%) respectively; while the Magistrate courts had (44%), (98%) and (44%) respectively. Noticeable is the proportion of availability of facility support at the High compared to Magistrate Courts.

#### Nature of Users' & Parties' support available

	Qtr. 1, 2018			Qtr. 2, 2018			Qtr. 3, 2018		
	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court
Translation/interpreter service when needed	96%	91%	98%	98%	96%	98%	99%	100%	99%
Legal aid/assistance service	12%	25%	5%	6%	15%	2%	0	0	0
Facilities to aid access for disabled users	2%	2%	2%	2%	0%	1%	1%	2%	1%

Some of the key principles for access to justice, free and fair trial as provided in the Constitution of the Federal Republic of Nigeria 1999 (as amended) and promoted by the ACJL include, interpretation and translation services. In the High court this quarter showed 100% an increase from the first quarter and second quarter analysis of (96%), legal aid /assistance services is rather poor as it shows 0% as compared to the first and second quarter (12%) (15%) and facilities to aid access with disabilities, is (2%) an increase from the second quarter analysis, but rather the same with the first quarter findings. The Magistrate courts had 99% translation and interpretation services, 0% legal aid assistance and 1% facilities that can enable the disabled court users gain access.

#### Chart 4: 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. 1, 2018			Qtr. 2, 2018			Qtr. 3, 2018		
	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court
Average number of cases on the days cause list	7	7	7	7	7	7	6	6	6
Average number of criminal cases on the cause list	5	4	5	4	5	4	5	4	5
Average number of civil cases on the cause list	2	3	2	3	2	3	3	3	3
Average number of cases on the days cause list attended to	6	6	6	5	5	6	5	5	5
% of cases on the days causes list attended to Versus Cases on the days cause list	90%	81%	96%	86%	69%	98%	95%	93%	95%

The findings analysis revealed that 6% cases are the average number on the day's cause list. On average 4% criminal and 3% civil cases are on the day's cause list, looking at the number on the day's cause list, 5% are attended to, therefore 93% of cases are attended to at the high courts. The Magistrate courts on the other hand also have an average number of 6% cases on the day's

cause list, 5% criminal and 3% civil while 5% while of cases at the Magistrates courts are attended to amounting to 95% attendance to cases on the day's cause list.

In the situations where cases were not attended to, the graph below shows that the major reasons include “one or all the lawyers were not available” (93%) for High courts and (53%) for Magistrate courts; “one or all the parties were not available” (56%) Magistrate courts and (57%) High Courts. Worthy of note is the fact that service delivery and electricity supply were observed as minor reasons why cases were not attended to.

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

	Qtr. 1, 2018			Qtr. 2, 2018			Qtr. 3, 2018		
	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court	Ondo	High Court	Magistrate Court
One or all the lawyers were not available	73%	95%	47%	89%	92%	78%	72%	93%	53%
One or all the parties were not available	71%	84%	55%	83%	88%	61%	56%	56%	57%
A witness was not available	24%	23%	26%	36%	42%	11%	25%	52%	0%
Services not effected	11%	11%	12%	11%	11%	11%	7%	0%	13%
The files or exhibits were not available when the cases were called	8%	8%	7%	10%	8%	17%	4%	4%	3%
Court did not sit on time	1%	0%	2%	1%	0%	6%	2%	0%	3%
Power failure (and court had to adjourn sitting)	1%	0%	2%	0%	0%	0%	0%	0%	0%
Congestion of court dockets (large number of cases)	0%	0%	0%	0%	0%	0%	2%	4%	0%
Others	0%	0%	0%	2%	3%	0%	7%	0%	13%

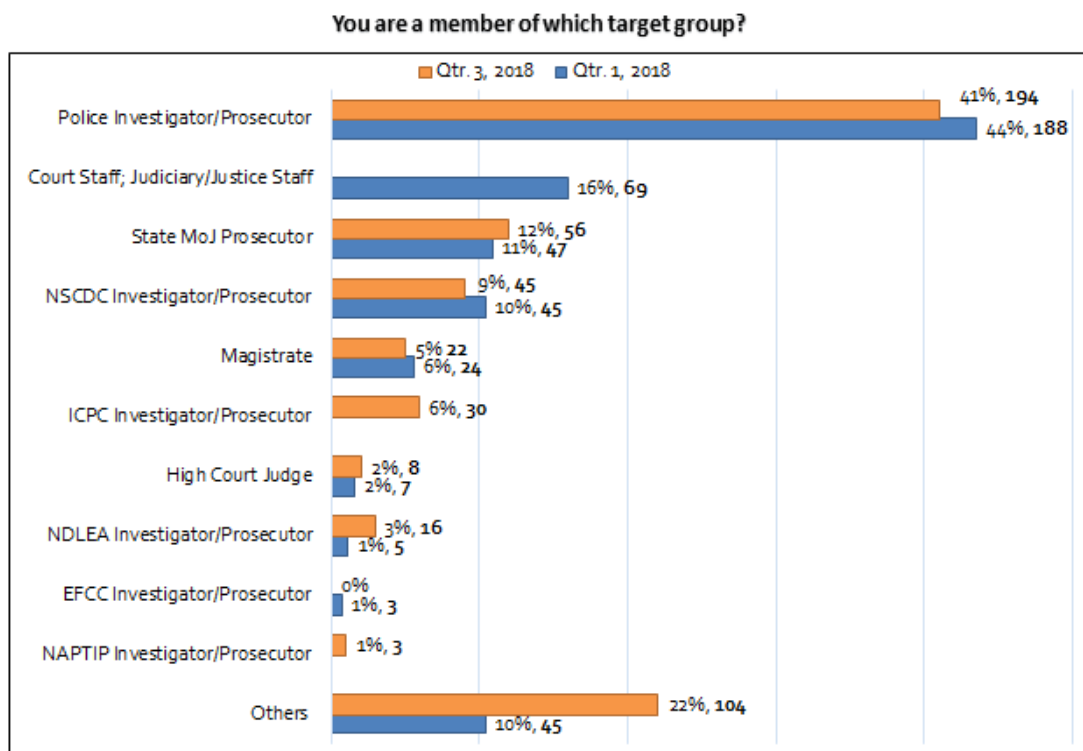


## Presentation of Findings of Criminal Justice Actors' Survey

### Background of respondents

In this quarter of observation a total of 479 criminal justice actors were surveyed over a period of two weeks across the courts being observed in Ondo state. One hundred ninety-four (41%) were Police Investigators/Prosecutors, thirty (6%) ICPC, fifty-six (12%) Ministry of Justice Prosecutors, forty-five (9%) NSCDC Investigator/Prosecutor, eight (2%) High Court Judges while twenty-two (5%) surveyed were Magistrates. NDLEA sixteen (3%), 3% EFCC and NAPTIP were part of the target group.

Worthy of note is that twenty-two percent (104) 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.



76% of the criminal justice actors had spent a period of 1-14 years in their current positions, while 17% have worked for 15 years and above in current positions.

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

	ONDO	Magistrate	High Court Judge	Police	State MoJ Prosecutor	ICPC	EFCC	NAPTIP	NSCDC	NDLEA	Court Staff; Judiciary/Ju Justice Staff	Others
<b>Qtr. 1, 2018</b>												
<i>Below 1 year</i>	6%	4%	0%	3%	0%		0%		11%	0%	12%	14%
<i>1 to 4 years</i>	31%	21%	14%	35%	26%		67%		34%	40%	25%	28%
<i>5 to 9 years</i>	35%	50%	0%	24%	54%		33%		48%	0%	49%	33%
<i>10 to 14 years</i>	17%	8%	29%	23%	17%		0%		5%	40%	9%	21%
<i>15 years and above</i>	11%	17%	57%	15%	2%		0%		2%	20%	6%	5%
<b>No. of respondents</b>	<b>429</b>	<b>24</b>	<b>7</b>	<b>188</b>	<b>46</b>		<b>3</b>		<b>44</b>	<b>5</b>	<b>68</b>	<b>43</b>
<b>Qtr. 3, 2018</b>												
<i>Below 1 year</i>	7%	0%	0%	3%	5%	7%	0%	0%	7%	12%		16%
<i>1 to 4 years</i>	23%	10%	0%	15%	45%	13%	0%	33%	29%	12%		32%
<i>5 to 9 years</i>	35%	24%	50%	34%	38%	40%	0%	67%	44%	38%		34%
<i>10 to 14 years</i>	18%	5%	12%	26%	12%	33%	100%	0%	9%	0%		10%
<i>15 years and above</i>	17%	61%	38%	22%	0%	7%	0%	0%	11%	38%		8%
<b>No. of respondents</b>	<b>476</b>	<b>21</b>	<b>8</b>	<b>193</b>	<b>56</b>	<b>30</b>	<b>1</b>	<b>3</b>	<b>45</b>	<b>16</b>		<b>103</b>

## 1. Management of cases since ACJL, 2015

Of the total surveyed this quarter in respect to case management since ACJL, 74% said they have handled 1-29 cases since the coming of the Administration of Criminal Justice Law (ACJL), 2015 of Ondo State. Fourteen (20%) made up of judges, NDLEA, Magistrates, and police indicated they have handled 30 cases and above since ACJL.

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

	ONDO	Magistrate	High Court Judge	Police	State MoJ Prosecutor	ICPC	EFCC	NAPTIP	NSCDC	NDLEA	Court Staff; Judiciary/Justice Staff	Others (Not specified)
<b>Qtr. 1, 2018</b>												
<i>None</i>	16%	5%	0%	0%	0%		0%		29%	0%	62%	25%
<i>1-4</i>	17%	5%	0%	18%	17%		67%		29%	60%	5%	14%
<i>5-9</i>	14%	10%	0%	15%	17%		0%		22%	20%	5%	14%
<i>10-20</i>	21%	5%	14%	23%	49%		0%		11%	20%	8%	24%
<i>21-29</i>	12%	20%	43%	14%	11%		33%		0%	0%	10%	14%
<i>30 and above</i>	20%	55%	43%	30%	6%		0%		9%	0%	10%	9%
<b>No. of respondents</b>	<b>421</b>	<b>20</b>	<b>7</b>	<b>186</b>	<b>47</b>		<b>3</b>		<b>45</b>	<b>5</b>	<b>63</b>	<b>44</b>
<b>Qtr. 3, 2018</b>												
<i>None</i>	6%	0%	0%	1%	4%	0%	0%	0%	13%	6%		19%
<i>1-4</i>	13%	5%	0%	8%	12%	27%	0%	33%	7%	25%		20%
<i>5-9</i>	25%	0%	25%	24%	27%	33%	0%	33%	22%	31%		30%
<i>10-20</i>	29%	10%	25%	34%	32%	33%	0%	33%	29%	19%		23%
<i>21-29</i>	7%	0%	12%	11%	5%	7%	0%	0%	7%	6%		3%
<i>30 and above</i>	20%	86%	38%	23%	20%	0%	100%	0%	22%	12%		4%
<b>No. of respondents</b>	<b>473</b>	<b>21</b>	<b>8</b>	<b>190</b>	<b>56</b>	<b>30</b>	<b>1</b>	<b>3</b>	<b>45</b>	<b>16</b>		<b>103</b>

## 2. Capacity Building & knowledge of ACJL, 2015

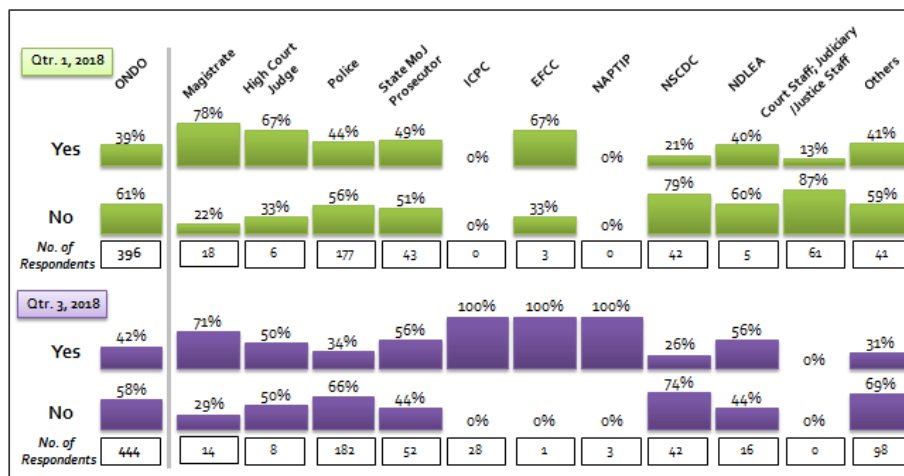
The chart below shows that 11% of respondent haven't read the ACJL provisions while 61% of criminal justice actors surveyed have only “read some provisions of the ACJL 2015 that apply to their functions & powers.” And 28% have read all the provisions of the ACJL.

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

	ONDO	Magistrate	High Court Judge	Police	State MoJ Prosecutor	ICPC	EFCC	NAPTIP	NSCDC	NDLEA	Court Staff; Judiciary/Justice Staff	Others
<b>Qtr. 1, 2018</b>												
I have not read the provisions of the ACJA	22%	10%	20%	17%	8%		33%		36%	0%	46%	29%
I have only read those Provisions of the ACJA that apply to my functions & powers	52%	50%	60%	59%	77%		34%		37%	40%	27%	39%
I have read all the provisions of the ACJA	26%	40%	20%	24%	15%		33%		27%	60%	27%	32%
<b>No. of respondents</b>	<b>365</b>	<b>20</b>	<b>5</b>	<b>165</b>	<b>40</b>		<b>3</b>		<b>44</b>	<b>5</b>	<b>41</b>	<b>41</b>
<b>Qtr. 3, 2018</b>												
I have not read the provisions of the ACJA	11%	0%	0%	13%	2%	0%	0%	0%	19%	27%		14%
I have only read those Provisions of the ACJA that apply to my functions & powers	61%	10%	88%	73%	53%	64%	100%	100%	58%	60%		51%
I have read all the provisions of the ACJA	28%	90%	12%	14%	45%	36%	0%	0%	23%	13%		35%
<b>No. of respondents</b>	<b>450</b>	<b>21</b>	<b>8</b>	<b>179</b>	<b>55</b>	<b>28</b>	<b>1</b>	<b>3</b>	<b>43</b>	<b>15</b>		<b>97</b>

Only 186 respondents (42%) have been trained on the ACJL these are Police prosecutors (34%), prosecutors of ICPC (100%), EFCC (100%), FMOJ Prosecutors (56%), & magistrates (71%); and the trainings were mainly provided by their employers & donor support program. 50% High Court Judges surveyed indicated they had received training on the ACJL as shown in the chart below although 88% of them had read some provisions.

Have you had any training on the ACJ Act?

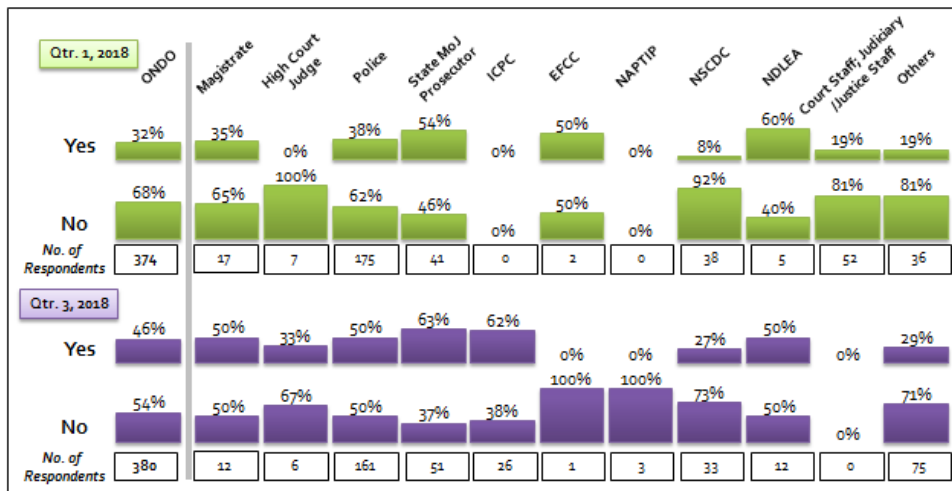


**If yes, who provided the training?**

	ONDO	Magistrate	High Court Judge	Police	State MoJ Prosecutor	ICPC	EFCC	NAPTIP	NSCDC	NDLEA	Court Staff, Judiciary/Justice Staff	Others
<b>Qtr. 1, 2018</b>												
My employer	49%	79%	75%	49%	53%		50%		22%	50%	38%	29%
Another government agency	41%	36%	25%	39%	53%		0%		67%	50%	63%	29%
A donor supported programme	11%	7%	0%	8%	5%		50%		0%	0%	25%	29%
Others	8%	14%	0%	8%	0%		0%		11%	0%	0%	18%
<b>No. of respondents</b>	<b>150</b>	<b>14</b>	<b>4</b>	<b>75</b>	<b>19</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>9</b>	<b>2</b>	<b>8</b>	<b>17</b>
<b>Qtr. 3, 2018</b>												
My employer	54%	80%	75%	57%	74%	50%	100%	67%	9%	56%		38%
Another government agency	27%	30%	0%	28%	33%	29%	0%	0%	55%	11%		17%
A donor supported programme	32%	20%	25%	17%	52%	57%	0%	33%	27%	22%		28%
Others	8%	20%	0%	5%	4%	0%	0%	0%	9%	11%		24%
<b>No. of respondents</b>	<b>180</b>	<b>10</b>	<b>4</b>	<b>58</b>	<b>27</b>	<b>28</b>	<b>1</b>	<b>3</b>	<b>11</b>	<b>9</b>		<b>29</b>

A total of 174 (46%) respondents say changes brought by the ACJL 2015 have been difficult to implement. (Qualitative information available).

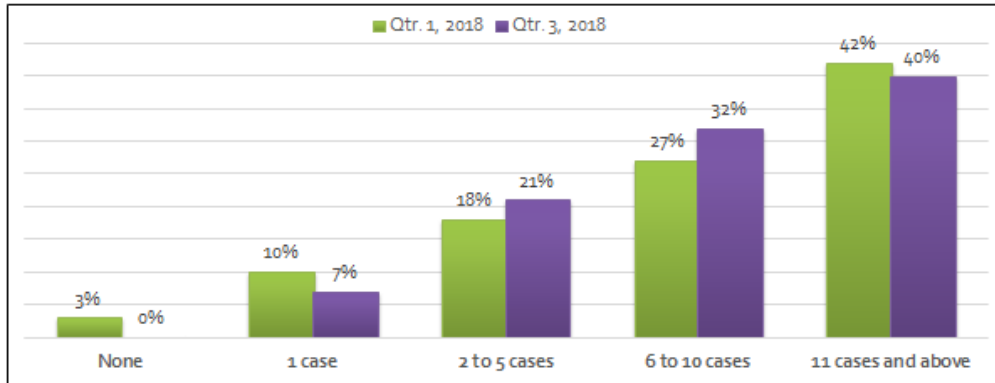
**Has any changes/reforms brought about by the ACJ Act been difficult to implement in your area of work?**



**3. Pre-trial & Trial requirements**

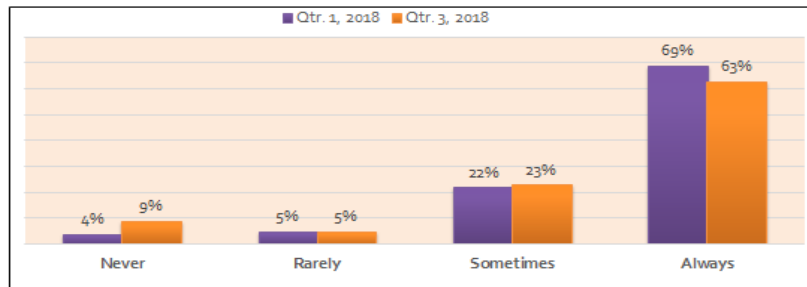
The chart below shows that an average of 53% of surveyed prosecutors & investigators have been involved in 2-10 case while 40% were involved in 11 and above cases leading to arrest since the coming of ACJL 2015.

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

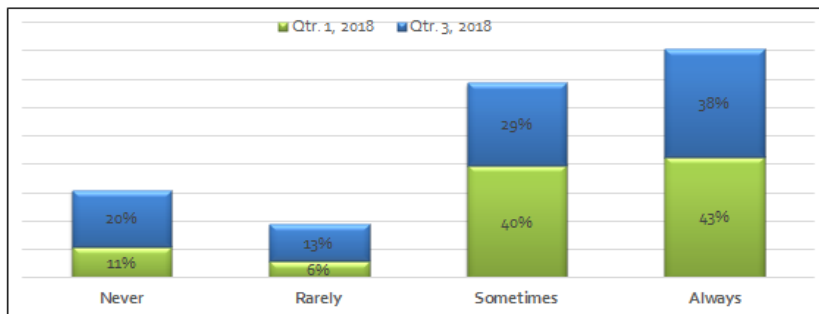


In line with the 2015 ACJL, 63% of the respondent investigators & prosecutors say they “always” inform the person(s) the reasons for their arrest either orally or in writing. (29%) “Sometimes” allow defendant’s legal counsel presence during interrogation. On the other hand, 23% respondents “never” and 16% rarely record statement of suspects nor allow legal counsel during the making of statement.

**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?*

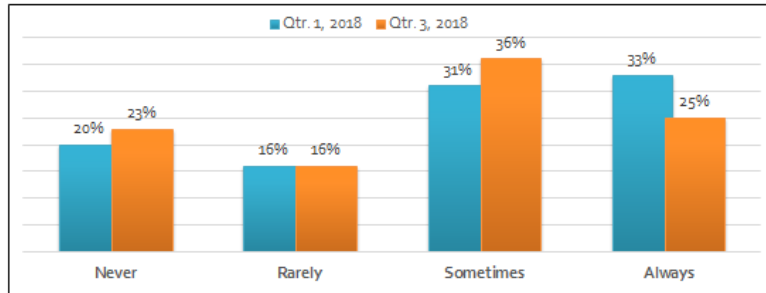


**If you were involved in at least 2 cases that led to the arrest and or prosecution of suspects, how often did you...?**  
*Allow the accused person's legal counsel to be present during interrogation?*



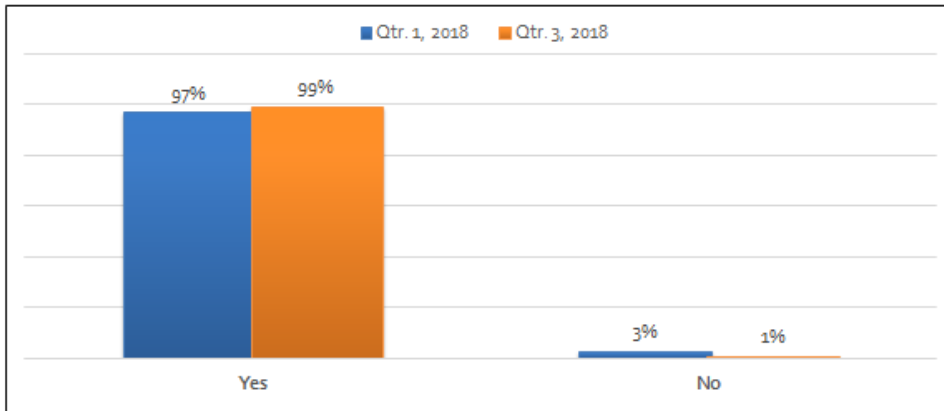
**If you were involved in at least 2 cases that led to the arrest and/or prosecution of suspects, how often did you...?**

*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?*

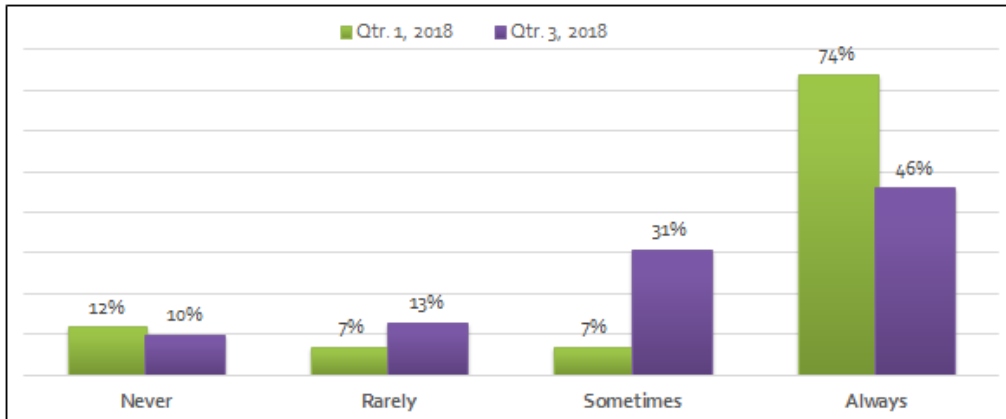


The charts below indicate that 99% of judiciary surveyed said since ACJL, prosecutors/investigators have continued to present confessional statements of defendants in their courts. In doing so, 46% prosecutors “always” present video recordings of the confessional statement or in absence thereof written statements of suspects endorsed by legal practitioners.

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

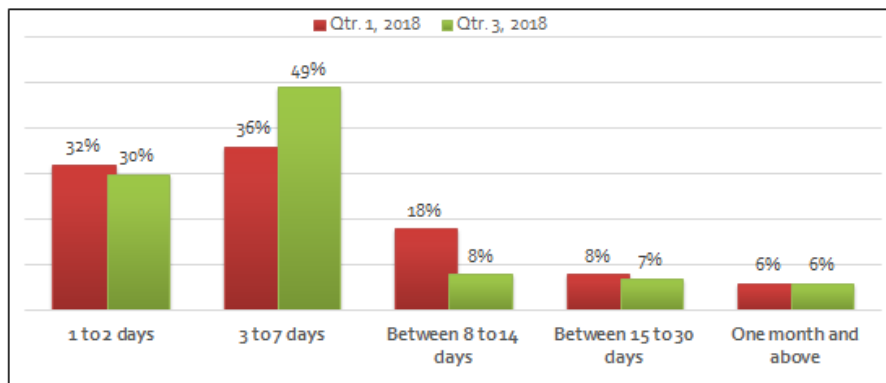


**If yes, how often do they present video recording of the confessional or other statement of the suspects; or in the absence of a video recording, present written statements or confessions of suspects endorsed by legal practitioners of the suspects?**



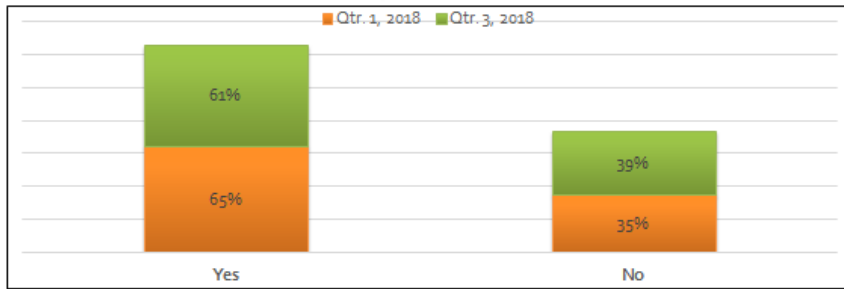
In the analysis below 68% of prosecutors/investigators say it takes an average of 1 – 7 days from arrest of suspects to the case being charged in court; 30% say 1-2 days while on the other hand 7% say it takes 15 days and above.

**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?**

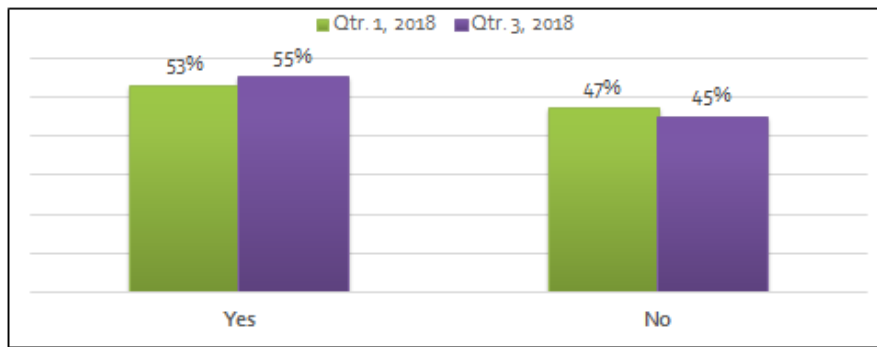


More so 61% of respondent prosecutors/investigators applied to the magistrate for remand of arrested suspect, out of which 55% have applied for extension of the remand order.

**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?**

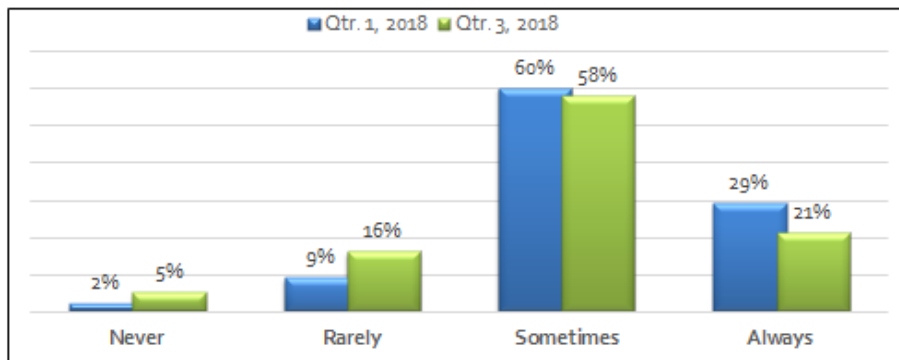


**Did you have cause to apply to a Magistrate or Judge for an extension of the remand order?**



As required by S269 to 272 ACJL, 21% of the judiciary said “always” and 58% said “sometimes” law enforcement agents & prosecutors apply for remand orders. 16% said they rarely while 5% have never applied for remand extensions.

**How often did you apply for an extension of a remand order?**

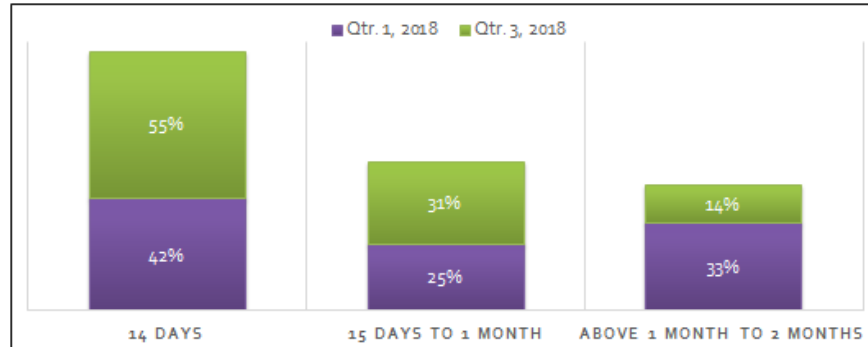


Respondents were asked on the average how long did it take between the original order for remand and the application for extension; or between an order for extension and a subsequent application for further extension. In response to that 14% of the judiciary say it mostly takes



“Above 1 month – 2months” while 31% of prosecutors said it takes 14 days from original order for remand and application for extension order.

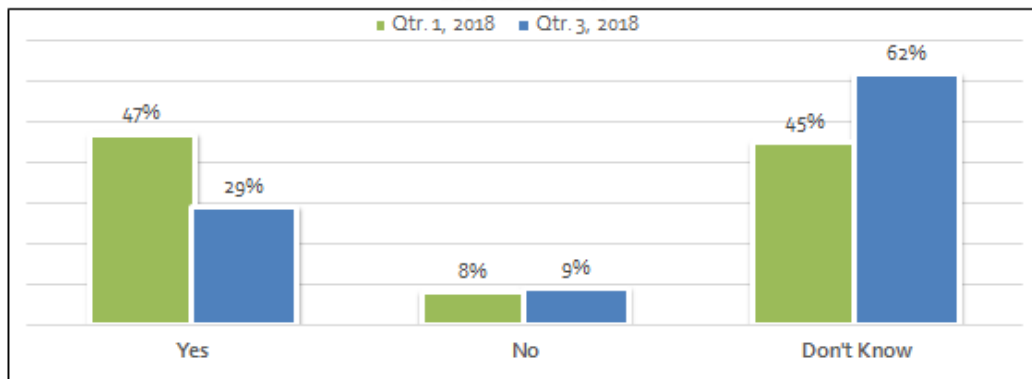
**On the average how long did it take between the original order for remand and the application for extension; or between an order for extension and a subsequent application for further extension?**



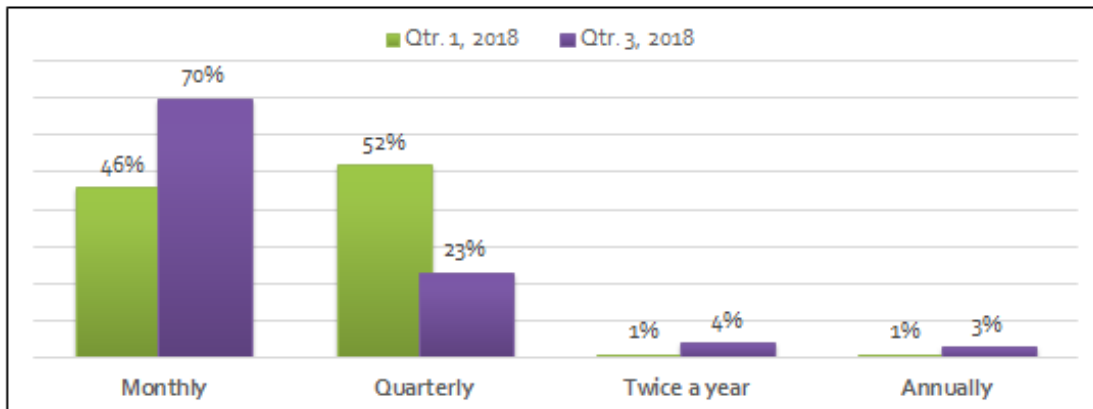
#### 4. Oversight powers (MOJ, Police & Judiciary)

In order to ensure accountability and for oversight purposes, the 2015 ACJL Sec. S.23 mandates the Commissioner of Police or head of agency authorized by law to make arrest, to remit quarterly report to Ondo State Attorney General of all arrest made with or without warrant. 29% said COP or head of agency sent the reports out of which 70% said he/she does monthly while 23% said quarterly.

**Since the coming into force of the ACJA has the Inspector General of Police; or the Commissioner of Police; or head of your agency sent records of arrests/detention to the Attorney General of the Federation?**

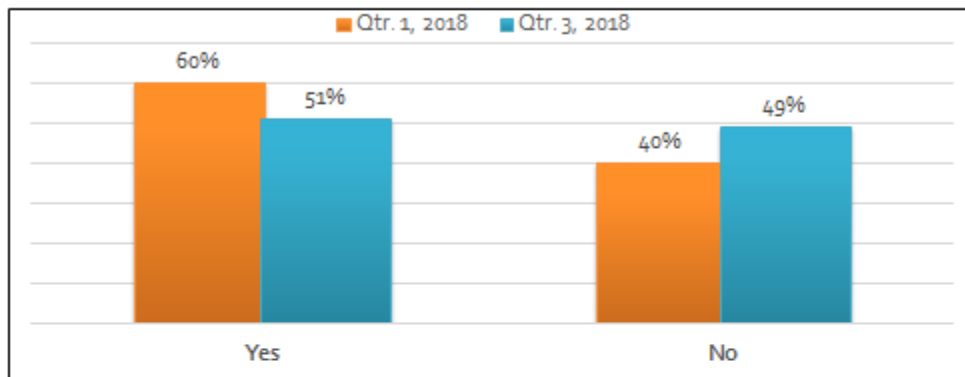


**If yes, how often?**

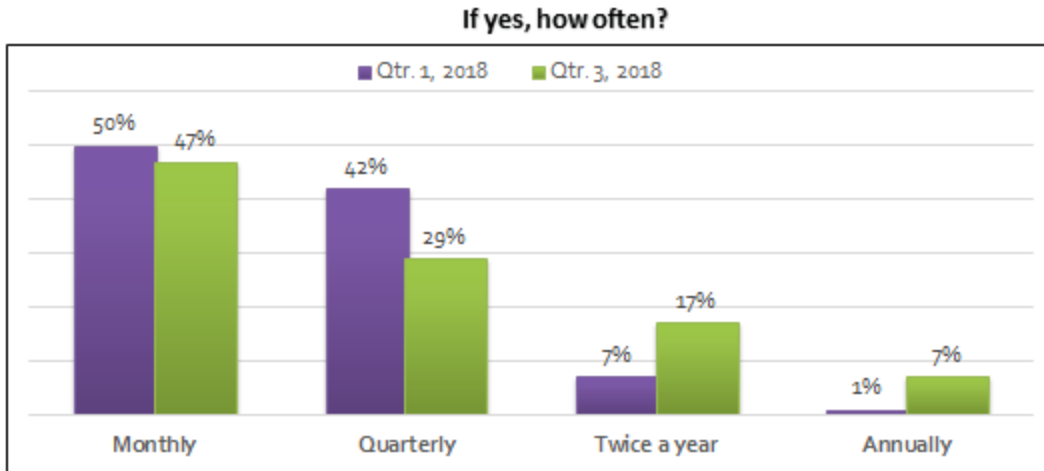


Again 51% of respondent prosecutors said since ACJL their police stations or units of agency have sent reports of arrest made without warrant to a Magistrate or Judge.

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

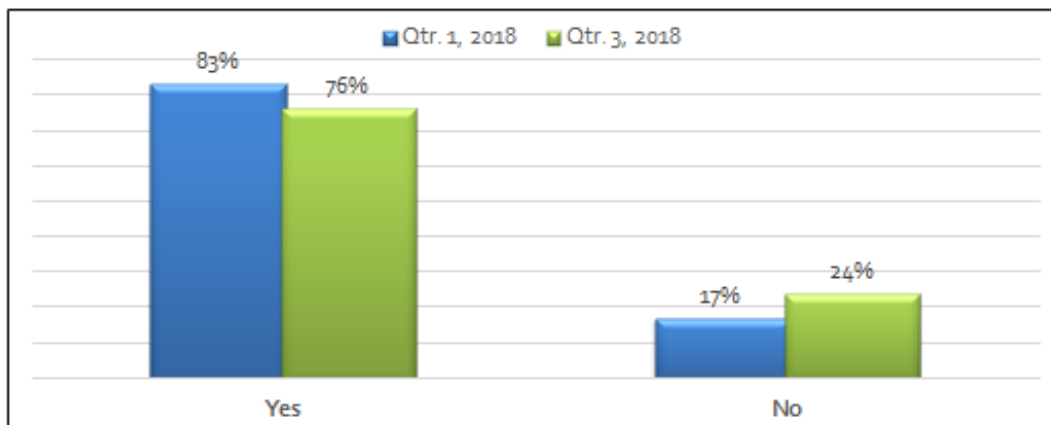


	Qtr. 1, 2018		Qtr. 3, 2018	
	N	%	N	%
Magistrate	9	90%	1	100%
High Court Judge	3	100%	0	0%
Police Investigator/Prosecutor	104	64%	84	53%
State MoJ Prosecutor	5	56%	14	54%
ICPC Investigator/Prosecutor	0	0%	0	0%
EFCC Investigator/Prosecutor	3	100%	0	0%
NAPTIP Investigator/Prosecutor	0	0%	1	50%
NSCDC Investigator/Prosecutor	15	43%	17	44%
NDLEA Investigator/Prosecutor	4	80%	7	64%
Court Staff; Judiciary/Justice Staff	0	0%		
Others	12	55%	9	50%



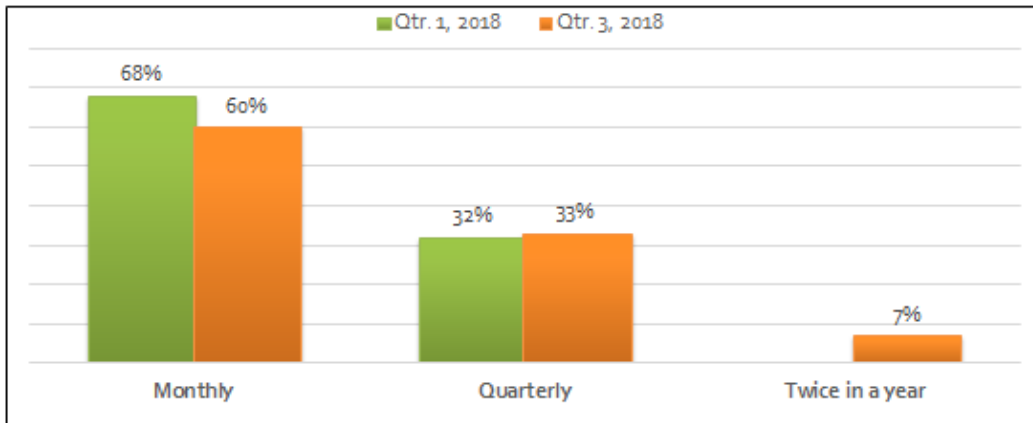
However, when interviewed, the Attorney General of Ondo State said no law enforcement agency has ever remitted quarterly reports of arrests/detention to the Ministry. This has not changed from the first quarter interview conducted.

**Since the coming into force of the ACJA, 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?**



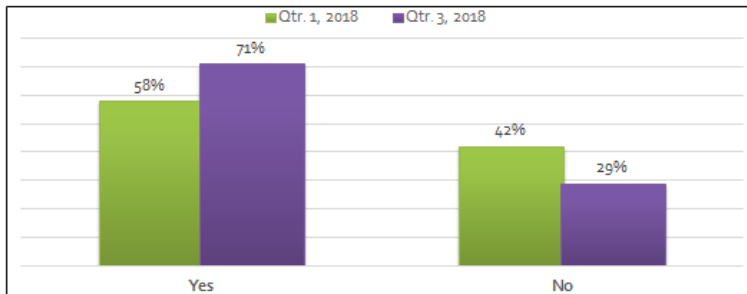
In respect to oversight by the Chief Judge, 76% of respondent judiciary members shown in the above analysis said they make quarterly reports, 33% said mostly on a quarterly basis, report to the Chief Judge, criminal cases that have not commenced in their courts after arraignment. The chart below reveals that

**If yes, how often?**



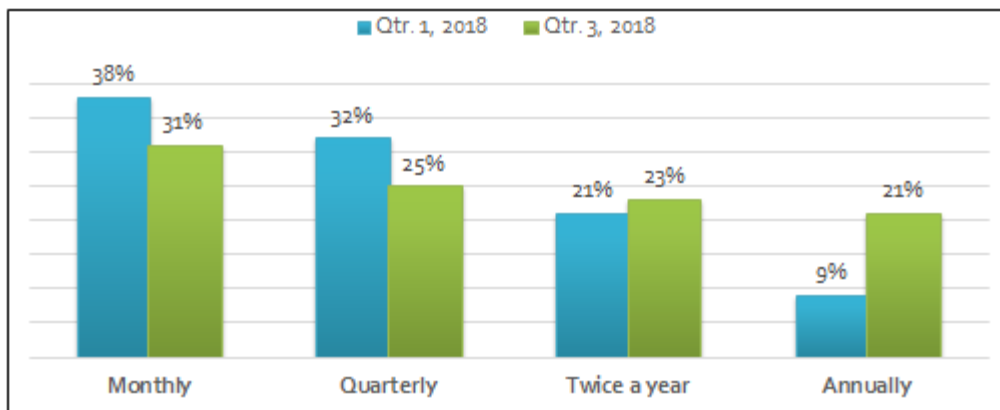
In the charts below, 71% prosecutors said since the ACJL in 2015, on monthly or quarterly basis magistrates/judges have carried out inspection of their detention centers; 100% of both judges & magistrates said they do visit places of detention and even those who visited (25%), did so quarterly.

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



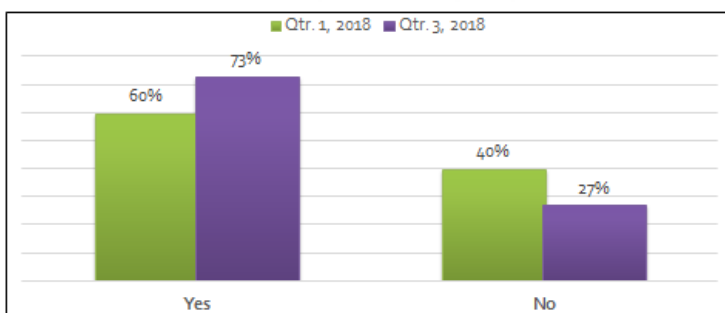
	Qtr. 1, 2018		Qtr. 3, 2018	
	N	%	N	%
Magistrate	5	42%	1	100%
High Court Judge	0	0%	1	100%
Police Investigator/Prosecutor	99	60%	124	74%
State MoJ Prosecutor	22	92%	21	78%
ICPC Investigator/Prosecutor	0	0%	0	0%
EFCC Investigator/Prosecutor	3	100%	1	100%
NAPTIP Investigator/Prosecutor	0	0%	1	50%
NSCDC Investigator/Prosecutor	18	50%	25	58%
NDLEA Investigator/Prosecutor	3	60%	10	77%
Court Staff, Judiciary/Justice Staff	4	27%		
Others	11	50%	12	86%

### If yes, how often?



However, on comparison with the chart below, 20% of judges & 82% magistrates said they did not visit places of detention and even those who visited did so quarterly.

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



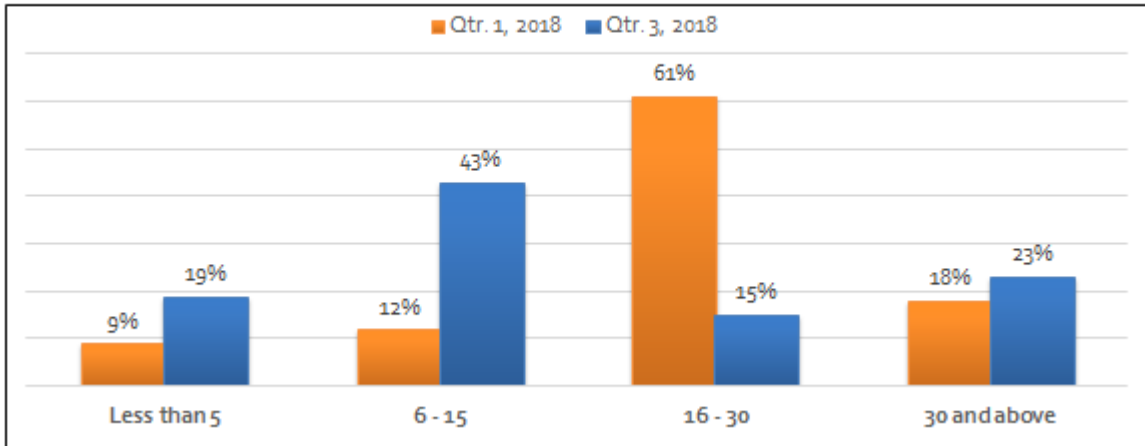
	Qtr. 1, 2018		Qtr. 3, 2018	
	N	%	N	%
Magistrate	1	10%	18	82%
High Court Judge	1	50%	1	20%
Police Investigator/Prosecutor	35	88%	23	92%
State MoJ Prosecutor	1	100%	0	0%
EFCC Investigator/Prosecutor	2	100%	0	0%
NSCDC Investigator/Prosecutor	3	100%	5	100%
NDLEA Investigator/Prosecutor	3	100%	7	100%
Others	3	25%	2	20%

## 5. Speedy trial

One of the fundamental intentions of the drafters of the ACJL, 2015 is to ensure speedy trials and dispensation of justice. Of the total members of judiciary 15% said since ACJL they have

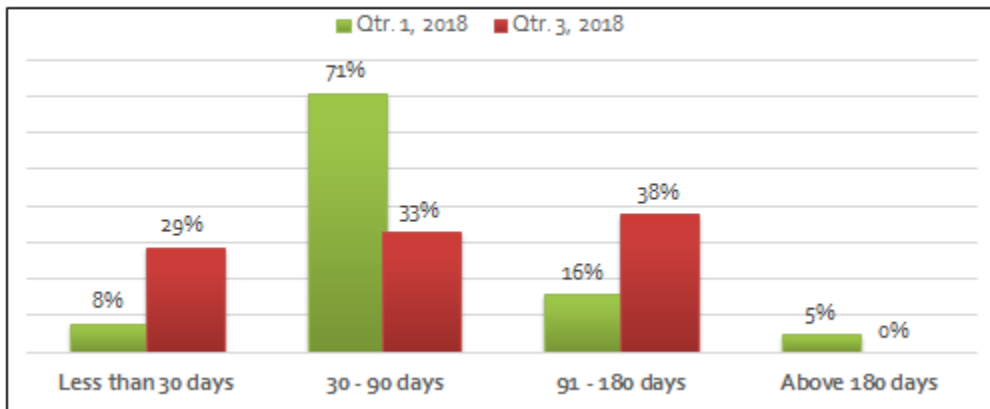
disposed of 16-30 cases; 43% have disposed of less than 6-15 cases, while only 23% persons have disposed of over 30 and above.

Since the coming into force of the ACJA, how many criminal cases have you disposed of in your court?



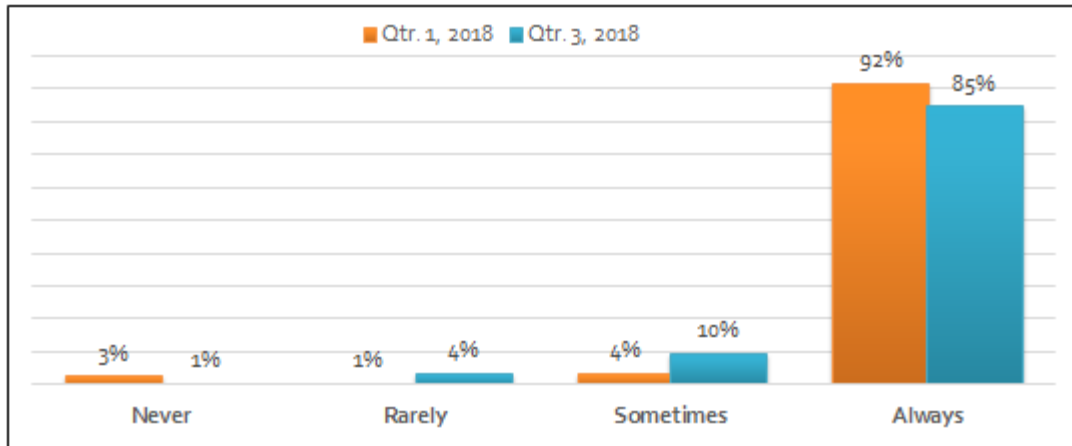
33% of members of the judiciary said it takes them 30-180 days to dispose of criminal cases in their courts as compared to 71% in the first quarter while, 38% said it takes 91-180 days to dispose a criminal case.

On the average how long does it take to dispose of a criminal case in your court?



85% respondents in the judiciary said on day to day basis, conduct criminal trials in their courts, 10% said sometimes as shown in the chart below

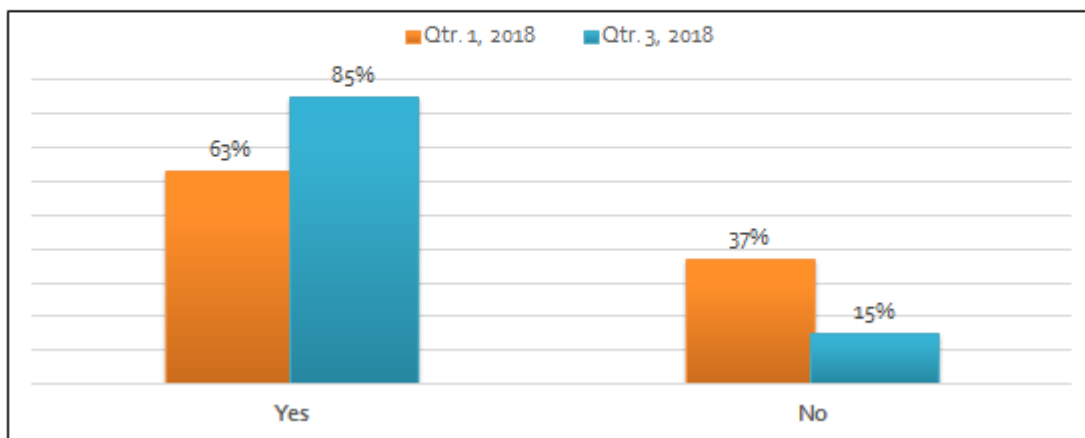
**How often do you conduct criminal trials in your court from day to day?**



**6. Management of witness expenses**

In accordance with S228-230 ACJL, 85% respondent judicial members said since 2015, they have ordered for payment of witness expenses such as cost or compensation for lost of time. in the first quarter when we conducted a key informant interview with the Ministry of Justice, it was revealed that the ministry pays witnesses expenses in Ondo state instead of the judiciary. Worthy of note is that the chief Judge has appropriated expenses to witness and the fees are being paid as required by the law.

**Since the coming into force of the ACJA, 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/ Commendations**

1. PWAN would like to commend employers of Criminal Justice actors for providing capacity building on the ACJA for its employees. Based on PWAN's recommendation on the need for training on the ACJA in the first quarter, the findings from observation in this quarter have revealed that more criminal justice actors have received training on the ACJA/ACJL. PWAN would like to encourage all employers to train criminal justice actors, and also emphasize the need for continuous re-training.
2. PWAN would also like to commend the Ondo state Judiciary for appropriating witness expenses as stipulated by the ACJL 2015 Ondo.

## **Recommendation**

1. The Ondo State Administration of Criminal Justice Monitoring Committee should endeavor to commence its functions as provided by the ACJL. For the committee to function, it should be empowered resource-wise (by the three arms of government) to ensure effective coordination of criminal justice agencies and monitor implementation of the law.
2. PWAN recommends that there should be a practice direction for the adequate implementation and also to ensure effective compliance with the Overarching Objective of the Administration of Criminal Justice Law 2015
3. There is need for government to appropriate and provide equipment such as electronic recorders for effective discharge of duties by judges and magistrates. The magistrates court should be appropriated more of the resources to cater for electronic recording.
4. The continued lack of access to court for persons with disability needs to be address to ensure inclusiveness. In this regard the judiciary should ensure that facilities are provided to cater for all, including persons with disability. This may include sliding rams for access into court premises, sign language provision to aid interpretation.
5. Recording court proceedings by hand, despite advancements in ICT, has long-term implications on the health of a judge or magistrate, and also slows down the pace of court cases. Immediate steps should be taken to adopt and secure funding for an automated, transparent and real-time system of recording and disseminating records of court proceedings. The judiciary must acquire and put into use verbatim reporters, digital court recorders and other recording equipment.



6. The courts should implore the intention of the ACJA on “speedy trial and effective dispensation of justice” to exercise their discretion on erring parties and their representatives in courts. The practice of persons with locus standi and their representative being the reasons for cases not attended to vitiates the intent of the ACJA.
7. There is need for the executive to appropriate and provide the necessary means for procurement of equipment for interrogation processes for investigative agencies. Also Philanthropists, Donors, and other organizations are encouraged to support in the procurement of equipment. The practice of non-presentation of video-recording of interrogation processes to courts is in violation of the ACJA. Investigative and Prosecutorial agencies when provided with tools for effective discharge of duties should use them with duty of care.
8. PWAN also recommends the need for the Magistrates to carry out regular inspections of the police stations and detention centers in Ondo as stipulated by the ACJL section 28.
9. PWAN recommends that a dedicated interrogation room be provided for and should be properly equipped with modern facilities like video cameras to aid proper investigation and enhance speedy trials.
10. The acknowledgement of good practices should be encouraged at all levels within the criminal justice system. This should include identifying and celebrating criminal justices practitioners who are doing excellent work at their various agencies and institutions