



**ENHANCING TRANSPARENCY AND  
ACCOUNTABILITY IN THE JUDICIAL SECTOR  
PROJECT.**

**PRESENTATION OF FINDINGS, COURT  
OBSERVATION AND CRIMINAL  
JUSTICE ACTORS SURVEY, ONDO  
(OCTOBER 2018- JUNE 2019)**



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## Table of Contents

Introduction .....	2
About PWAN .....	2
About the Project .....	2
Methodology.....	2
The Observation Process in Ondo State .....	3
Presentation of Findings .....	4
Court Observation .....	4
1. Court Sittings .....	4
2. Factors that affect courts not sitting .....	5
3. Time spent in Court .....	6
4. Attendance to daily cause list: .....	7
5. Case listing on the Cause list: .....	7
6. Reasons for non-attendance to cases on cause list:.....	8
7. Support available to the Judges and Magistrates.....	9
Recommendations.....	10
Presentation of Findings.....	11
Criminal Justice Survey .....	11
Background of Respondents .....	11
Capacity Building & Knowledge of ACJL.....	12
Pre-trial and trial requirements .....	14
Arrest .....	14
Bail .....	17
Remand.....	17
Confessional Statements.....	20
Adjournments.....	21
Plea Bargain.....	23
Witness expenses .....	24
Case disposal.....	24
Oversight Powers .....	25
Recommendations .....	28

# Introduction

## About PWAN

The Rule of Law and Empowerment Initiative, better also known as Partners West Africa Nigeria (PWAN), is a nongovernmental, women-led organization working towards enhancing citizens' participation and improving security governance in Nigeria and West Africa broadly. The organization is in Abuja, with a national and regional reach. PWAN is a member of the Partners Global Network, a vibrant international community of 22 like-minded national organizations around the world. These are organizations united by common approaches such as participatory decision making, collaborative advocacy, consensus building, and social entrepreneurship for democratic governance.

Through our Rule of Law program area, we help strengthen institutions that play a role in safeguarding society through a cooperative advocacy approach. This involves engagement and coordination of criminal justice stakeholders, ensuring access to justice for indigent persons, promoting civil society participation in anti-corruption efforts, and contributing to sustainable criminal justice reform.

## About the Project

PWAN has been involved in contributing to building and strengthening the social accountability of the judicial sector since 2016<sup>1</sup>, by collaborating with the judiciary to have citizens observers placed in selected courts to assess the court processes and in recent times the compliance to the Administration of Criminal Justice Act in the Federal Capital Territory and the Administration of Criminal Justice Laws in Ondo and Lagos States with support from the MacArthur Foundation.

## 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 ACJL

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<sup>1</sup> The initial support in 2016 was provided by the US Embassy Bureau for International Narcotics and Law Enforcement (INL)

## The Observation Process in Ondo State

To ensure effective collaboration, PWAN worked with the Chief Judge of the Ondo State in Ondo, Supervising Judges and Registrars of the State High Courts in Ondo; the Nigerian Bar Association (Akure), Civil Society Organizations, particularly JDPC, Sunshine Youth Initiative & the media.

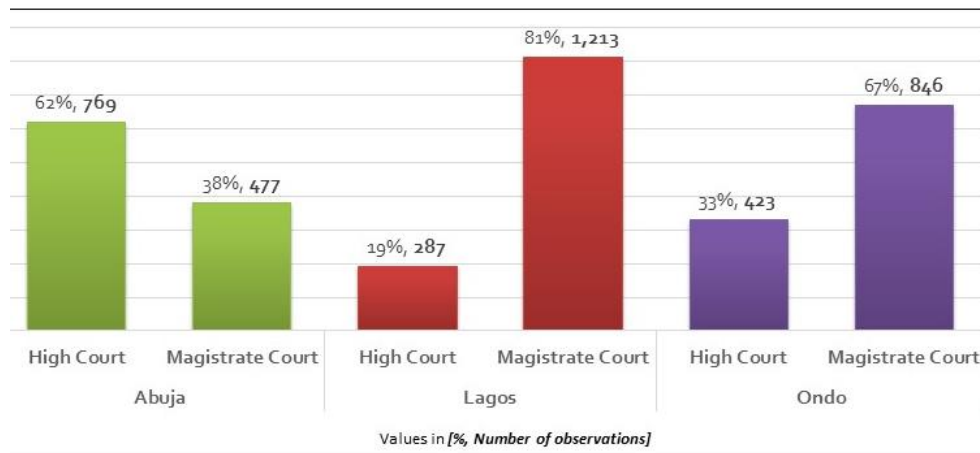
- Observation of courts began in October 2017, and since then the project has disseminated findings to (1) Stakeholders in the criminal justice sector; specifically, to the Nigeria Bar Association (NBA), and the Media, the General public, Civil Society and other relevant stakeholders through public release of findings events and social media engagement. The project has been able to engage 1,400 people on the ACJA/L over the past two years.
- A total of 20 courts were selected through a purposive sampling method in Ondo State. The designated courts are in **Akure, Ikare, Ondo town & Olokuta town (Prison)**.
- The findings in this report are based on observation from October 2018- June 2019 and comprise data from the Daily Court Observation and Criminal Justice Actors Survey.

# Presentation of Findings

## Court Observation

As stated earlier the data presented for this quarter is based on observation from October 2018 to June 2019. However, data will be compared to see trends that have emerged with data from the beginning of the project till date, and across the states of focus (Ondo state, Lagos & FCT). In this observation period in Ondo Observers were mainly in court from Mondays to Wednesday and sometime attended courts on Thursdays and Fridays depending on the cases they are observing, observers were in court for 423 days in the High court, and 846<sup>2</sup> days in the Magistrate Courts.

Number and % of days Courts were observed in Abuja, Lagos & Ondo (Qtr. 1, 2019)



### 1. Court Sitzings

During this observation period, the courts in Ondo sat an average of 61% of the time the observers were in court, specifically 73% at the High Court, and 56% at the Magistrate court. A comparison between data from previous quarters reveals a steady improvement in court sitting especially at the High Courts.

<sup>2</sup> In Ondo state, PWAN is observing more of the Magistrates courts because some of the Magistrates requested that their courts be observed as well.

Did the court sit on this day?

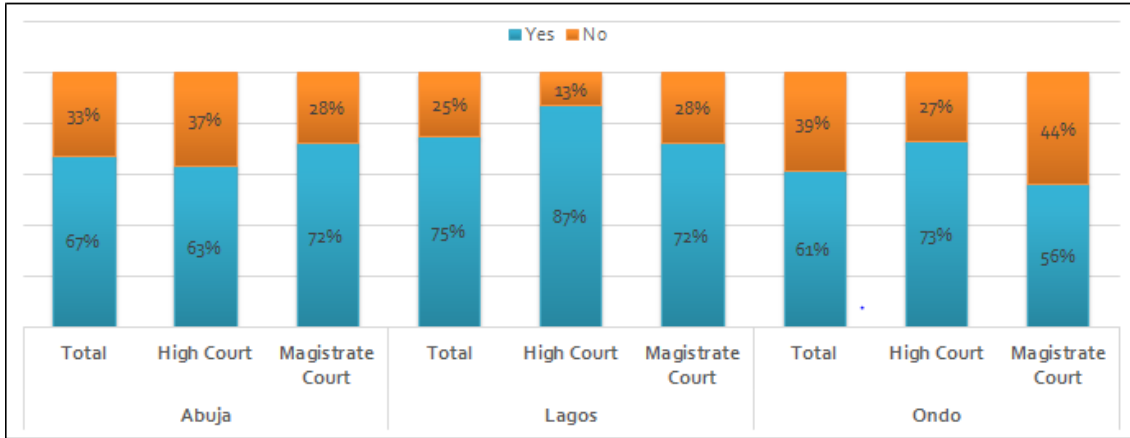


Figure 1: Court Sittings

Observation quarter	Average (%)	High Court (%)	Magistrate Courts (%)
OP 2018	83%	86%	81%
OP 2018	70	78	66
OP 2018	61	54	64
OP 2019	61	73	56

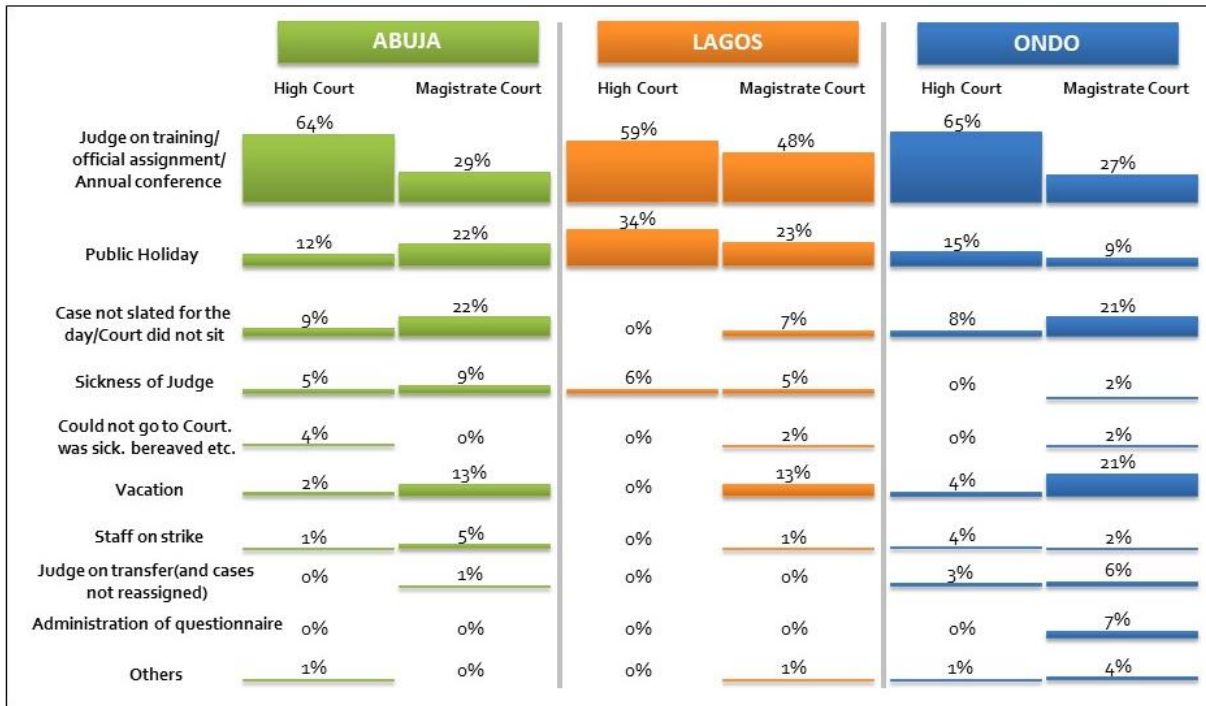
2. Factors that affect courts not sitting

I. The data shows that 65% of the time the Judges do not sit at the High Court and 27% at the Magistrate courts is due to them going on **Training or Official assignment**

II. **Public Holidays** – From the data 15% High Court and 9% at the Magistrate Courts. There have been 15 public holidays within this observation period<sup>3</sup>

<sup>3</sup> Independence day, Eid El Maulud, Christmas Eve, Christmas day, Boxing day, New Year’s Eve, News Year’s day, Good Friday, Easter Monday, Labour day, Presidential Inauguration, Eid El Fitr & Democracy Day

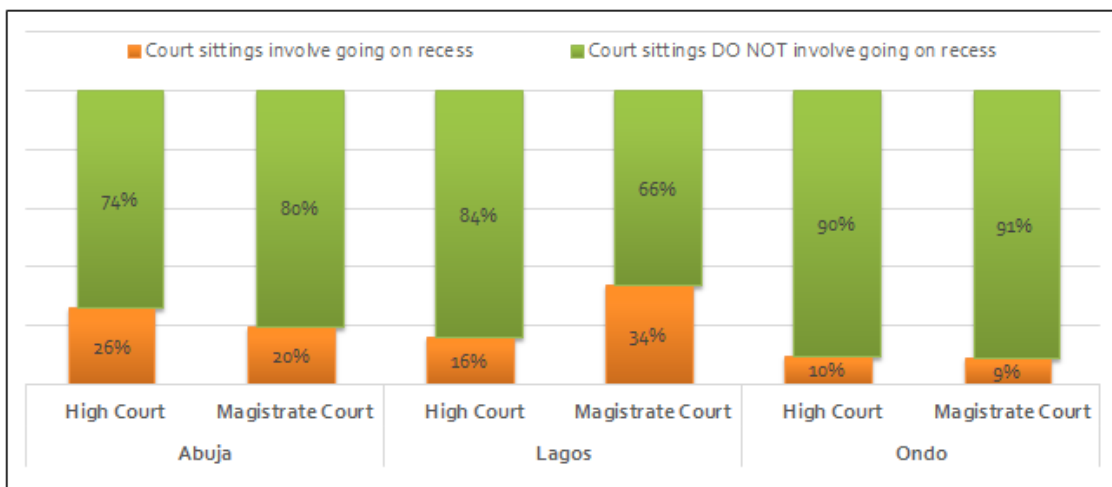
**If Court did not sit, indicate reason (multiple options)**



**3. Time spent in Court**

In the past 2 years in the cause of observing the courts, we found out that the average time spent in court by judges and magistrates is dependent on whether he or she observes recess. In Ondo state, 90% of High Courts and 91% of Magistrate Courts, do not observe recess; the number of Judges and Magistrates that do not observe recess is low (10% at High Courts, 9% at Magistrate Courts).

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



The findings also revealed that for courts that observe recess in Ondo, the average time spent in court is 4 hours 39 minutes at High Courts and 3 hours 10 minutes at Magistrate Courts. For those that do not observe recess, they spend 2 hours 37 minutes in the High Court and 2 hours 41 minutes at the Magistrate Courts. The Magistrate Courts spend more time in recess (41 minutes)<sup>4</sup>, compared to High Courts (37 minutes).

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

		Abuja		Lagos		Ondo	
		High Court	Magistrate Court	High Court	Magistrate Court	High Court	Magistrate Court
Court sittings that involved going on recess	Average time spent in court (HH:MM)	5:03	4:13	5:01	3:52	4:39	3:10
	Average time Spent in Recess (HH:MM)	0:42	0:36	0:52	0:52	0:28	0:26
	Average actual time spent in Sitting on Cases (HH:MM)	4:20	3:37	4:09	2:59	4:11	2:43
Court sittings that DO NOT involve going on recess	Average time spent in court (HH:MM)	3:08	3:11	2:57	2:32	2:37	2:41
All Cases Observed	Average Actual Time Spent in Sitting on All Sittings (HH:MM)	3:27	3:16	3:08	2:41	2:47	2:42

#### 4. Attendance to daily cause list:

With regards to attendance to daily cause list, looking at the courts that go on recess, the High courts attends to 84% of its cases and 94% of the cases are attended to at the Magistrate courts as compared to those that do not observe recess with 88% at the High Court, and 96% at the Magistrate court.

		Abuja		Lagos		Ondo	
		High Court	Magistrate Court	High Court	Magistrate Court	High Court	Magistrate Court
Court sittings involve going on recess	Average number of cases on the days cause list attended to	10	20	8	18	7	7
	% of cases on the days causes list attended to Versus Cases on the days cause list	90	92	84	78	84	94
Court sittings DO NOT involve going on recess	Average number of cases on the days cause list attended to	7	10	7	17	6	7
	% of cases on the days causes list attended to Versus Cases on the days cause list	88	90	96	85	88	96

Figure 2- Number of cases attended to for courts that do/don't observe recess

#### 5. Case listing on the Cause list:

<sup>4</sup> Magistrates revealed that when they go on recess, cases like motion expert and those involving minors are still being attended to in chambers



Overall, both the High Courts and Magistrate courts have an average of 7 cases on their cause list, with an average of 6 criminal cases per court. Magistrates courts observed attended to more of the cases on their cause list with a percentage of 96% as compared to the High courts at (88%).

**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**

	Abuja		Lagos		Ondo	
	High Court	Magistrate Court	High Court	Magistrate Court	High Court	Magistrate Court
Average number of cases on the days cause list	9	13	8	20	7	7
Average number of criminal cases on the cause list	2	3	7	11	6	6
Average number of civil cases on the cause list	8	11	3	14	3	3
Average number of cases on the days cause list attended to	8	12	7	17	6	7
% of cases on the days causes list attended to Versus Cases on the days cause list	88%	91%	94%	83%	88%	96%

## 6. Reasons for non-attendance to cases on cause list:

In Ondo state one of the reasons for non-attendance to cases was found to be the unavailability of lawyers in court, the data is corroborated at the High court showed 74% and the Magistrate courts with the lowest appearance rate at 32%.

The second reason for the non-attendance to cases is the nonappearance of witnesses in court. Further interrogation with Stakeholders at the Ministry of Justice revealed that witness expenses are being paid, but witnesses choose not to show up in court.

Section 228 (1) of the Ondo ACJL provides that 'Where a person attends court as a witness to give evidence for the prosecution or as an expert witness to the court in any criminal proceedings, the court shall order payment by the Registrar of his cost and expenses together with compensation for his loss of time which he incurred in attending the court'

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

	Abuja		Lagos		Ondo	
	High Court	Magistrate Court	High Court	Magistrate Court	High Court	Magistrate Court
One or all the parties were not available	59%	56%	83%	84%	71%	34%
One or all the lawyers were not available	54%	67%	80%	64%	74%	32%
A witness was not available	24%	30%	65%	69%	37%	18%
Services not effected	16%	27%	7%	25%	4%	5%
The files or exhibits were not available when the cases were called	4%	3%	1%	17%	2%	9%
Court did not sit on time	3%	0%	1%	4%	0%	0%
The cases were called out of turn (by senior lawyers)	3%	0%	1%	3%	0%	0%
Power failure (and court had to adjourn sitting)	2%	0%	1%	2%	0%	0%
Judge/Magistrate on official assignment/Indisposed	2%	2%	0%	0%	1%	16%
Congestion of court dockets (large number of cases)	0%	0%	0%	2%	3%	0%
Administering Questionnaire	0%	0%	0%	0%	4%	0%
Others	3%	3%	3%	5%	4%	16%

## 7. Support available to the Judges and Magistrates

Nature of Users' & Parties' support available

	Abuja		Lagos		Ondo	
	High Court	Magistrate Court	High Court	Magistrate Court	High Court	Magistrate Court
Translation/interpreter service when needed	79%	94%	100%	85%	93%	100%
Legal aid/assistance service	81%	1%	93%	16%	8%	2%
Facilities to aid access for disabled users	15%	8%	3%	22%	6%	0%
Others	8%	0%	0%	4%	0%	0%

NATURE OF USERS' & PARTIES SUPPORT AVAILABLE	HIGH COURTS (%)				MAGISTRATE COURTS (%)			
	Q1 2018	Q2 2018	Q3 2018	Q1 2019	Q1 2018	Q2 2018	Q3 2018	Q1 2019
Translation/ Interpretation Services	91	96	100	93	98	98	99	100
Legal Aid Services	25	15	0	8	5	2	0	2
Facilities for Persons with Disabilities	2	0	2	0	2	1	1	8

Section 12 (2) states that 'Where a suspect does not understand or speak or write in the English language, an interpreter, shall record and read over the statement to the suspect to his understanding and the suspect shall then endorse the statement as having been made by him and the interpreter attests to the making of the statement'

The findings from the observation show that during the period of review that the availability of translation or interpretation services was at 93% in the High court and 100% at the Magistrates court.

The provision of Legal aid is important to the Administration of Criminal Justice, but looking at the findings above, legal aid services is drastically reducing there is no record of improvement since the inception of this project both in the High Courts and Magistrate Courts, even though there are providers of legal aid services in Ondo state

There has been no significant changes in the provision of facilities for persons with disabilities in Ondo state.

## Recommendations

1. *Provision of working equipment:* There is a need for the government to appropriate and provide equipment such as electronic recorders for effective discharge of duties by judges and magistrates.
2. *Observation of Recess:* Various studies have been conducted into judicial stress, and it has been found that the lack of control most trial judges have over their caseload<sup>5</sup> is a major contributor to stress. We recommend that Judges and Magistrates observe recess before continuing with matters before them, to ensure they are rejuvenated, stress is alleviated, and their mental health is improved.
3. *Witness Appearance:* In the case where a witness is summoned to court to give evidence and does not appear or give any reason for non-appearance, section 217 – 227 of the ACJL should be enforced on the witness, we believe this will serve as deterrence to other witnesses and will encourage speedy trials.
4. *Inclusiveness within the judicial system:* 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 and brail services to aid interpretation.
5. *Legal Aid provision:* PWAN recommends that there should be an awareness creation on the availability of other legal aid services provided by civil society organizations and Office of the Public Defenders (OPD) in Ondo state. PWAN with the support of Nigeria Policing Program (NPP) has produced a legal aid directory which has information of civil society organizations providing legal aid services across the country, this directory is available on our website and a copy will be made available at the end of this presentation to courts and other criminal justice actors to improve support available to Judges to enhance speedy trials.

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<sup>5</sup> Zimmerman IM: Stress: what it does to judges and how it can be lessened. Judges J 4: 18-22, 1981

## Presentation of Findings

### Criminal Justice Survey

The survey is administered to criminal justice actors in the FCT, Lagos and Ondo States, to ascertain the level of implementation of the ACJA/L in the various agencies and monitor adherence to specific provisions.

In this observation period, and based on feedback from stakeholders, PWAN altered its methodology of administering questionnaires by tailoring questionnaires to suit 4 different categories of respondents:

- i. Judicial Officers (High Court Judges and Magistrates)
- ii. Lawyers (Prosecution and Defense)
- iii. Law Enforcement Agencies/ Investigators, and Nigerian Prisons Service
- iv. Victims/ Nominal Complainants and Witnesses

### Background of Respondents

In Ondo state, 949 respondents were surveyed. 82 of the respondent were members of the Judiciary, 327 of them were prosecutors<sup>6</sup> and defense lawyers, 238 consisted of victims, nominal complainants and witnesses while 302 were law enforcement officers and Prison officials.

How long have you been at your current post as Judge or CCT Member or Magistrate or Area Court Judge?

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
15 years and above	23%	14%	56%	20%	12%	40%	0%	0%
10 to 14 years	23%	24%	22%	21%	25%	15%	83%	75%
5 to 9 years	40%	46%	17%	24%	27%	20%	17%	25%
1 to 4 years	13%	16%	6%	26%	25%	25%	0%	0%
Below 1 year	0%	0%	0%	9%	11%	0%	0%	0%

33% of law enforcement respondents and 40% of the judiciary surveyed have been in their current post for 5-9 years, while 22% of lawyers surveyed have been in their current post for 10-14 years; 15% were in their current position for 15 years and above.

<sup>6</sup> Prosecutors from the Ministry of Justice & Police

**How long have you been at your current post (as a prosecutor or defence lawyer)?**

	Abuja		Lagos							Ondo						
	Total	Defence lawyer private practice or CSO/NGO	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal	Prosecutor - ICPC; MoJ	Prosecutor - EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal	Prosecutor - ICPC; MoJ	Defence lawyer in govt. service
15 years and above	0%	0%	13%	23%	2%	0%	17%	3%	0%	11%	8%	18%	7%	17%	11%	17%
10 to 14 years	60%	56%	17%	19%	21%	13%	11%	17%	9%	19%	17%	22%	16%	33%	21%	0%
5 to 9 years	30%	33%	34%	28%	53%	23%	41%	30%	55%	34%	32%	27%	46%	17%	36%	50%
1 to 4 years	10%	11%	28%	20%	21%	50%	30%	33%	36%	35%	42%	33%	28%	33%	32%	33%
Below 1 year	0%	0%	8%	10%	4%	13%	0%	17%	0%	1%	2%	0%	1%	0%	0%	0%

**Capacity Building & Knowledge of ACJL**

The survey showed 94% of the High Court Judges & 67% of Magistrates respondent had read all the provisions of the ACJL, and 6% of judges & 33% Magistrates have read sections that apply to their powers and

**To what extent have you read the provisions of the Administration of Criminal Justice Law (ACJL)?**

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
I have read all the provisions of the ACJA	72%	67%	94%	49%	47%	70%	71%	100%
I have only read those Provisions of the ACJA that apply to my functions & powers	28%	33%	6%	44%	45%	25%	29%	0%
I have not read the provisions of the ACJA	0%	0%	0%	7%	8%	5%	0%	0%

**To what extent have you read the provisions of the Administration of Criminal Justice Law (ACJL)?**

	Abuja		Lagos								Ondo						
	Total	Police Investigator Nigerian Prison Service Officer	Total	Police Investigator	ICPC /EFCC/CCB Investigator	NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigratio n/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC /EFCC/CCB Investigator	NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigratio n/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	
I have read all the provisions of the ACJA	17%	33%	17%	6%	5%	15%	0%	0%	4%	12%	14%	18%	50%	9%	11%	10%	6%
I have only read those Provisions of the ACJA that apply to my functions & powers	30%	33%	21%	36%	37%	67%	50%	0%	38%	17%	42%	33%	55%	67%	60%	23%	
I have not read the provisions of the ACJA	40%	33%	46%	36%	37%	19%	40%	86%	25%	56%	42%	17%	34%	22%	30%	66%	
I am just hearing about the ACJA for the first time	13%	0%	17%	22%	21%	0%	10%	14%	33%	15%	3%	3%	0%	2%	0%	0%	6%

37% of the Police investigators and 60% of the Prison Officers have read the provisions of the ACJL; on the other hand, only 42% of Police investigators have not read the ACJL, while the Prison officers were 30%.

**To what extent have you read the provisions of the Administration of Criminal Justice Act (ACJA)**

	Abuja		Lagos							Ondo						
	Total	Defence lawyer private practice or CSO/NGO	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal Moj	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal Moj	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC
I have read all the provisions of the ACJA	12%	0%	28%	28%	35%	36%	24%	32%	0%	34%	37%	10%	56%	17%	56%	0%
I have only read those Provisions of the ACJA that apply to my functions & powers	88%	100%	64%	68%	54%	61%	73%	50%	45%	56%	62%	60%	42%	83%	44%	40%
I have not read the provisions of the ACJA	0%	0%	8%	4%	11%	4%	3%	18%	55%	10%	1%	30%	2%	0%	0%	60%

Respondents were asked whether they have received any form of training on the ACJL. 33% of the High court judges and 80% Magistrates stated they received training in the last 12 months, 14% of them were trained by international donor agencies and 88% said it was the Judiciary that provided the training.

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

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
The Judiciary	88%	86%	100%	67%	74%	54%	20%	0%
An international donor agency	14%	16%	0%	11%	10%	15%	60%	67%
Another government agency	5%	6%	0%	14%	10%	23%	20%	33%
The Nigerian Bar Association /FIDA/CSOs/NGOs	9%	10%	0%	11%	10%	8%	0%	0%
Others (pls name)	4%	4%	0%	0%	0%	0%	0%	0%

64% of the lawyers surveyed said they had not received any training on the ACJL. While those trained were 36%. For those that were trained, affirmed that the training was provided by the Nigerian Bar Association (NBA), FIDA and other CSOs.

**Have you had any training on the ACJA?**

	Abuja		Lagos							Ondo						
	Total	Defence lawyer private practice or CSO/NGO	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC
Yes	40%	33%	25%	11%	50%	38%	31%	24%	29%	43%	36%	41%	62%	50%	38%	33%
No	60%	67%	75%	89%	50%	62%	69%	76%	71%	57%	64%	59%	38%	50%	62%	67%

**Have you had any training on the ACJA/L?**

	Abuja		Lagos							Ondo						
	Total	Defence lawyer private practice or CSO/NGO	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC
Yes	40%	33%	25%	11%	50%	38%	31%	24%	29%	43%	36%	41%	62%	50%	38%	33%
No	60%	67%	75%	89%	50%	62%	69%	76%	71%	57%	64%	59%	38%	50%	62%	67%

**Pre-trial and trial requirements**

*Arrest*

Section 12 (1) of the ACJL Ondo provides that ‘Where a suspect is arrested on allegation of having committed an offense, his statement shall be taken in the presence of the legal practitioner of his choice, or where he has no legal practitioner of his own, in the presence of legal aid counsel, official of a civil society organization, a Justice of the Peace or any other person of his or her choice’.

The figure below shows that 49% of lawyers say that 2-5 of the cases they have involved arrested suspects, while 35% of Investigators that responded stated that more than 11 cases they have handled led to arrest

**In the last 12 months, how many criminal cases have you been involved in that led to the arrest and or prosecution of the suspects in the case?**

	Abuja		Lagos							Ondo						
	Total	Defence lawyer private practice or CSO/NGO	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPITIP; NDLEA; NSCDC	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAPITIP; NDLEA; NSCDC
0-1	0%	0%	10%	13%	0%	14%	5%	17%	18%	5%	7%	1%	3%	17%	7%	0%
2 to 5 cases	80%	89%	32%	37%	27%	17%	26%	28%	36%	33%	49%	26%	20%	33%	33%	20%
6 to 10 cases	10%	11%	28%	29%	33%	28%	28%	21%	27%	28%	26%	26%	34%	17%	30%	60%
11 cases and above	10%	0%	31%	21%	40%	41%	42%	34%	18%	34%	18%	47%	43%	33%	30%	20%

The figure below shows 56% of Judges and 84% of Magistrates have issued warrants of arrest in the last 12 months.

**In the last 12 months, have you issued any warrant (s) of arrests?**

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
Yes	78%	84%	56%	75%	76%	70%	43%	25%
No	22%	16%	44%	25%	24%	30%	57%	75%

Section 3 (1) of the ACJL states that ‘ Except when the person arrested is in the actual cause of the commission of a crime or is pursued immediately after the commission of crime or escaped from the lawful custody, the police officer or other person making the arrest shall inform the person arrested of the cause of the arrest.

In view of this 71% of the investigators that responded say that they always inform arrested persons reasons for their arrest. While 49% say they allow 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: *Inform the arrested persons the reason(s) for their arrest, whether orally or in writing?*

	Abuja			Lagos						Ondo							
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC/EFCC/CCB Investigator	NAPTIP, NDLEA, NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC/EFCC/CCB Investigator	NAPTIP, NDLEA, NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Always	67%	25%	100%	51%	40%	61%	40%	0%	43%	63%	71%	74%	50%	69%	50%	0%	25%
Sometimes	33%	75%	0%	31%	48%	3%	30%	100%	50%	21%	23%	19%	50%	28%	50%	0%	50%
Rarely	0%	0%	0%	14%	10%	35%	20%	0%	0%	8%	3%	3%	0%	2%	0%	0%	25%
Never	0%	0%	0%	4%	2%	0%	10%	0%	7%	8%	3%	3%	0%	2%	0%	0%	0%

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?*

	Abuja			Lagos						Ondo							
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC/EFCC/CCB Investigator	NAPTIP, NDLEA, NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC/EFCC/CCB Investigator	NAPTIP, NDLEA, NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Always	56%	25%	100%	37%	17%	58%	30%	50%	47%	44%	49%	54%	33%	42%	0%	0%	50%
Sometimes	33%	50%	0%	46%	65%	39%	40%	50%	41%	28%	42%	36%	67%	50%	100%	0%	50%
Rarely	0%	0%	0%	11%	12%	3%	20%	0%	0%	19%	4%	3%	0%	7%	0%	0%	0%
Never	11%	25%	0%	6%	6%	0%	10%	0%	12%	8%	5%	8%	0%	2%	0%	0%	0%

Section 4 of the ACJL states that 'A person shall not be arrested in lieu of any other person' From the survey 28% of the witnesses, complainants, and victims that responded to the survey stated that their relations have been arrested in lieu of a suspect before.

Was a relation or friend or any other person arrested in lieu of or in place of the suspect?

	Abuja					Lagos					Ondo				
	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant
Yes	28%	...	...	50%	43%	16%	4%	16%	15%	21%	28%	35%	36%	28%	21%
No	61%	100%	67%	50%	57%	71%	87%	56%	81%	77%	57%	47%	42%	56%	72%
Don't know	11%	...	33%	...	...	12%	9%	27%	4%	2%	15%	18%	22%	17%	7%

## Bail

Section 26 of the Ondo ACJL states that 'When any person is taken into custody without a warrant for an offense other than an offense punishable with death, any officer in charge of the police station may, in any case, and shall, subject to subsection (2) of this section, release the person arrested on bail if it will not be practicable to bring such person before a court having jurisdiction with respect to the offense charged within 24 hours after he was taken into custody'

50% of High Court Judges and 40% of Magistrates surveyed state that they always endorse bail conditions on arrest warrants they have issued. Once bail is endorsed, it takes law enforcement agencies/prisons 24-48 hours to grant suspects bail as opined by 34% of respondents. This is corroborated by 47% of the lawyers who says same, this is further corroborated by 31% from victims, complainants and witnesses revealed that 31% of the time it takes about 24-48 hours for the law enforcement agencies to grant bail from the time of the arrest.

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

	Abuja		Lagos						Ondo							
	Total	Defence lawyer/private practice or CSO/NGO	Total	Defence lawyer/private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAP/ TIP; NDLEA; NSCDC	Total	Defence lawyer/private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAP/ TIP; NDLEA; NSCDC
Not more than 24 hours	0%	0%	26%	9%	36%	6%	67%	11%	33%	31%	27%	48%	10%	40%	35%	25%
Above 24 hours but no more than 48	90%	89%	43%	50%	34%	56%	29%	56%	44%	34%	47%	21%	26%	60%	18%	50%
Between 3 to 7 days	0%	0%	21%	27%	27%	22%	2%	19%	0%	16%	20%	5%	26%	0%	29%	0%
8 to 14 days	10%	11%	10%	12%	2%	17%	2%	15%	11%	10%	1%	16%	23%	0%	6%	25%
15 days and above	0%	0%	1%	2%	0%	0%	0%	0%	11%	9%	6%	10%	16%	0%	12%	0%

**how long did it take for bail to be granted by law enforcement agency from the time of arrest?**

	Abuja					Lagos					Ondo				
	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant
Not more than 24 hours	...	...	...	...	...	34%	80%	32%	17%	29%	20%	11%	13%	57%	18%
Above 24 hours but no more than 48	36%	...	50%	...	29%	19%	13%	17%	33%	17%	31%	22%	42%	29%	26%
Between 3 to 7 days	55%	100%	...	...	71%	18%	...	24%	6%	24%	28%	11%	23%	...	44%
8 to 14 days	...	...	...	...	...	19%	7%	22%	17%	22%	6%	11%	10%	14%	...
15 days & above	9%	...	50%	...	...	8%	...	5%	28%	7%	14%	44%	13%	...	12%

## Remand

The Administration of Criminal Justice Law Ondo state Section 269 (1) provides that 'Any person arrested for an offense which the Magistrate has no jurisdiction to try shall within a reasonable time of arrest be brought before a Magistrate court for remand'.

The findings from the recently concluded survey show that 41% of the Judiciary in Ondo stated that law enforcement agencies apply for remand orders from the court. However 29% of the Judiciary further stated that they rarely do. 40% of Judiciary members surveyed also believe that it takes 14 days from the time of application of the original remand order, to the time of application for an extension, or from the time of application for an extension to an application for further extension.

On the side of the law enforcement officers 74% of the police officers surveyed said they do apply for remand orders from the court and 26% do not apply, 75% of those surveyed said they sometimes apply for extensions of the original remand order. When asked how long it takes for the application for an extension 45% of the respondent said it takes about 15 days to a month.

**In the last 12 months, how often do law enforcement or prosecutorial agencies apply for remand orders from your court (269 - 274;)**

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
Always	41%	48%	17%	26%	24%	39%	0%	0%
Sometimes	42%	38%	61%	46%	49%	33%	14%	25%
Rarely	15%	15%	17%	20%	21%	17%	71%	75%
Never	1%	0%	6%	7%	6%	11%	14%	0%

**If Always or Sometimes; 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?**

	Abuja		Ondo			Lagos		
	Total	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court	Total	Magistrate	Judge - High Court
14 days	100%	100%	40%	42%	38%	27%	22%	31%
Above 14 days to 1 month	0%	0%	40%	39%	38%	53%	60%	44%
Above 1 month to 2 months	0%	0%	17%	16%	23%	18%	18%	19%
Above 2 months	0%	0%	2%	3%	0%	2%	0%	6%

Section 270 (1), states 'If the Magistrate, after examining the reasons for the arrest and the request for the remand in accordance with the provision of section 269 of this Law, is satisfied that there is probable cause of remand such a person pending the receipt of the legal advice from the Director of Public Prosecutions and arraignment of such person before the appropriate court as the case may be, shall remand such a person in prison custody.

The prison officers surveyed in Ondo state have not admitted an inmate without a remand order, while 100%. The prison officers (83%) stated that they 'always' inform inmates about their right to legal counsel of their choice before appearing in court. 45% of them say they also make efforts to ensure that they provide a list of detainees that need legal representation to NGOs,

Legal Aid Council when they come to the prisons and 55% of the time this information is given after inmates are admitted into custody.

**In the last 12 months have you admitted an inmate into custody without a remand order?**

	Abuja			Lagos						Ondo							
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC/EFCC/CBB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC/EFCC/CBB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Yes	12%	0%	13%	11%	33%	14%	0%	18%	8%	20%	5%	23%	0%	0%	0%	0%	2%
No	88%	100%	87%	89%	67%	86%	100%	82%	92%	80%	95%	77%	0%	100%	100%	100%	98%

**How often to Prison Officers in the Ondo command inform prison inmates of their right to:  
Legal counsels of their choice before appearing in court?**

	Abuja			Lagos						Ondo							
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC/EFCC/CBB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC/EFCC/CBB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Always	91%	100%	90%	70%	40%	80%	33%	68%	73%	50%	77%	90%	0%	67%	67%	83%	75%
Sometimes	9%	0%	10%	25%	40%	0%	67%	32%	22%	33%	15%	10%	0%	33%	33%	17%	12%
Rarely	0%	0%	0%	5%	20%	20%	0%	0%	5%	17%	4%	0%	0%	0%	0%	0%	6%
Never	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	4%	0%	0%	0%	0%	0%	6%
Don't know	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	2%

**If Always or Sometimes, when is the information usually given to the inmates?**

	Abuja			Lagos						Ondo							
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC/EFCC/CBB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC/EFCC/CBB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Before their admission into prison custody	26%	100%	21%	60%	100%	50%	67%	81%	53%	40%	38%	90%	0%	67%	0%	45%	22%
After their admission into prison custody	71%	0%	75%	36%	0%	50%	33%	11%	43%	60%	57%	10%	0%	100%	55%	73%	
Don't know	3%	0%	4%	4%	0%	0%	0%	7%	4%	0%	5%	0%	0%	33%	0%	4%	
Others	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	

## Confessional Statements

Section 12 (1) states 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 a legal practitioner of his choice who will endorse the statement, where such counsel is present, willing and ready to endorse'.

All judiciary members surveyed said that prosecutors/ investigators have presented confessional statements in the last 12 months. 12% of the judiciary also stated that the statements are never presented in video format, and written statements are never endorsed by legal practitioners of the suspects. This is corroborated by 44% of lawyers and 57% of investigators who stated that confessional statements of defendants are never recorded in video format. 79% of the defendant says confessional statements are taken by investigating agencies; statements were taken in writing and without the presence of legal representation.

**In the last 12 months, how often were confessional statements of defendants you prosecuted or defended recorded in video format?**

	Abuja		Lagos							Ondo						
	Total	Defence lawyer private practice or CSO/NGO	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC, EFCC	Defence lawyer in govt. service	Prosecutor - NAP TIP, NDLEA, NSCDC	Total	Defence lawyer private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC, EFCC	Defence lawyer in govt. service	Prosecutor - NAP TIP, NDLEA, NSCDC
Always	0%	0%	25%	3%	39%	14%	68%	39%	18%	10%	4%	22%	7%	17%	11%	20%
Sometimes	11%	12%	21%	12%	29%	32%	9%	43%	45%	18%	6%	25%	13%	50%	44%	20%
Rarely	11%	0%	20%	24%	27%	25%	9%	11%	27%	28%	29%	35%	28%	17%	11%	0%
Never	78%	88%	33%	62%	4%	29%	14%	7%	9%	44%	62%	18%	52%	17%	33%	60%

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?

	Abuja					Lagos						Ondo					
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC/EFCC/CCB Investigator	NDLEA; NSCDC	NAPTIP; Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC/EFCC/CCB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer
Always	14%	50%	0%	27%	12%	60%	10%	0%	33%	20%	45%	43%	40%	52%	0%	0%	25%
Sometimes	29%	50%	0%	38%	38%	37%	30%	50%	42%	40%	27%	24%	60%	29%	0%	0%	75%
Rarely	0%	0%	0%	23%	36%	3%	50%	50%	17%	17%	14%	14%	0%	13%	50%	0%	0%
Never	57%	0%	100%	12%	14%	0%	10%	0%	8%	23%	15%	19%	0%	6%	50%	0%	0%

### How was the confessional or other statement taken?

	Abuja					Lagos					Ondo				
	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant
In writing but without a lawyer or legal representative	92%	100%	80%	100%	100%	61%	77%	27%	85%	72%	79%	82%	68%	73%	88%
By video recording	8%	...	20%	...	...	8%	5%	10%	...	11%	3%	...	...	...	5%
In writing in the presence of a lawyer or legal representative of defendant	...	...	...	...	...	33%	18%	62%	15%	23%	19%	18%	32%	27%	7%

### Adjournments

One of the objectives of the ACJA/L is to ensure speedy dispensation of cases. One of the innovations of ACJA/L is the day to day adjournment of criminal cases to ensure that there are no undue delays. 62% of the judiciary stated that 'always or sometimes' adjourn criminal cases daily, while 6% of them 'rarely' do. For those that rarely do, they opined it takes 15 days to 1 month, or above 1 month to 3 months. This is validated by 100% of parties who say courts do not adjourn daily.

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

	Abuja		Ondo			Lagos		
	Total	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court	Total	Magistrate	Judge - High Court
Always	29%	25%	62%	66%	47%	57%	65%	30%
Sometimes	29%	25%	32%	26%	53%	36%	29%	60%
Rarely	43%	50%	6%	8%	0%	2%	0%	10%
Never	0%	0%	0%	0%	0%	4%	6%	0%

**In the case you are involved, does the court adjourn on daily basis?**

	Abuja					Lagos					Ondo				
	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant
Yes	38%	36%	100%	67%	17%	...	...	...	...	...	...	...	...	...	...
No	62%	64%	...	33%	83%	...	...	...	...	...	100%	100%	...	...	...

35% of lawyers surveyed ‘sometimes’ applied for day to day trials in the last 12 months, however, 12% of the time, the court ‘never’ grants such requests. 36% of lawyers and 19% of defendants stated that 6-10 adjournments were granted in their last case. For the lawyers, they opined that 1-3 of the adjournments granted were at their request, or by the reason of a client or witness.

**How often have you applied for day-to-day trials in cases in which you were involved in the last 12 months?**

	Abuja		Lagos								Ondo					
	Total	Defence lawyer, private practice or CSO/NGO	Total	Defence lawyer, private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC;	EFCC	Defence lawyer in govt. service	Prosecutor - NAPTIP; NDLEA; NSCDC	Total	Defence lawyer, private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service
Always	11%	0%	15%	13%	24%	7%	12%	18%	36%	10%	6%	12%	12%	0%	4%	40%
Sometimes	56%	62%	33%	28%	29%	32%	37%	57%	36%	35%	31%	35%	35%	17%	59%	20%
Rarely	22%	25%	27%	24%	43%	18%	26%	18%	18%	33%	35%	25%	39%	50%	26%	40%
Never	11%	12%	25%	35%	4%	43%	26%	7%	9%	22%	28%	28%	14%	33%	11%	0%

**If Always or Sometimes, how often did the courts grant your applications?**

	Abuja		Lagos						Ondo							
	Total	Defence lawyer/private practice or CSO/NGO	Total	Defence lawyer/private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAP TTP; NDLEA; NSCDC	Total	Defence lawyer/private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAP TTP; NDLEA; NSCDC
Always	0%	0%	29%	39%	30%	23%	11%	26%	45%	18%	15%	25%	20%	0%	6%	33%
Sometimes	10%	0%	39%	41%	40%	31%	47%	39%	18%	58%	57%	58%	54%	100%	71%	67%
Rarely	30%	33%	23%	11%	30%	38%	25%	35%	18%	12%	13%	6%	20%	0%	6%	0%
Never	60%	67%	9%	9%	0%	8%	17%	0%	18%	12%	15%	10%	7%	0%	18%	0%

*Plea Bargain*

According to Section 247 of the ACJL, prosecutors may receive or consider a plea bargain from the defendant or on his/her behalf'. 63% of defense lawyers surveyed have never applied for a plea bargain for a defendant; 27% of defendants also stated that a plea bargain was not proposed by the defense counsel or offered by the prosecution. 31% of the times were a plea bargain was proposed they were granted 53% of the time.

**In the last 12 months, have you applied for a plea bargain in any case you were involved in defending?**

	Abuja		Lagos						Ondo							
	Total	Defence lawyer/private practice or CSO/NGO	Total	Defence lawyer/private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAP TTP; NDLEA; NSCDC	Total	Defence lawyer/private practice or CSO/NGO	Prosecutor - Police	Prosecutor - Federal MoJ	Prosecutor - ICPC; EFCC	Defence lawyer in govt. service	Prosecutor - NAP TTP; NDLEA; NSCDC
Yes	0%	0%	42%	30%	33%	50%	86%	62%	29%	37%	25%	68%	43%	0%	59%	100%
No	100%	100%	58%	70%	67%	50%	14%	38%	71%	63%	75%	32%	57%	100%	41%	0%

**Was a plea bargain proposed by the defendant or offered by the prosecution at any time in the case(s) you were involved in (S247 ACJL)?**

	Abuja					Lagos					Ondo				
	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant
Yes	18%	50%	20%	...	14%	25%	12%	30%	35%	16%	31%	55%	28%	58%	21%
No	59%	50%	20%	100%	86%	52%	75%	40%	50%	60%	27%	9%	15%	8%	43%
Don't know	24%	...	60%	...	...	23%	12%	30%	15%	23%	43%	36%	57%	33%	36%



Witness expenses

Part 20 of the ACJL makes provision for witness expenses; Section 228 (1) states that “Where a person attends court as a witness to give evidence for the prosecution, the witness shall be entitled to payment of such reasonable expenses as may be prescribed.” Our survey revealed that 48% of prosecution witnesses pay their own witness expenses, while 16% are sponsored by friends and relations.

**As a Victim or Prosecution Witness who pays for your transport and/or feeding each time you are in court for the case?**

	Abuja					Lagos					Ondo				
	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant
I pay myself	40%	40%	...	67%	...	68%	75%	50%	72%	29%	69%	48%	67%	86%	93%
Friends & Relations	33%	40%	...	33%	...	18%	5%	50%	19%	29%	12%	16%	17%	4%	7%
The Prosecution	27%	20%	100%	...	100%	13%	16%	...	9%	43%	9%	18%	8%	2%	...
The court	...	...	...	...	...	1%	2%	...	...	...	10%	18%	8%	8%	...
Others	...	...	...	...	...	1%	2%	...	...	...	...	...	...	...	...

In the case of defense witnesses, Section 228 (2) in the Ondo law provides that ‘the court may in its discretion on application, order payment by the Registrar to such witness of court such sums of money, as it may deem reasonable and sufficient to compensate him for his expenses, cost and loss of time he incurred in attending the court’. 50% of defense witnesses surveyed paid their own witness expenses.

**As a Defendant or Defence witness who pays for your transport and/or feeding each time you are in court for the case?**

	Abuja					Lagos					Ondo				
	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant	Total	Prosecution witness	Defence witness	Victim of crime	Defendant
I pay myself	50%	60%	75%	75%	17%	66%	70%	76%	58%	59%	59%	53%	50%	61%	61%
The Prosecution/police/prisons	30%	20%	25%	...	50%	23%	19%	12%	34%	24%	11%	10%	3%	9%	20%
Friends and relations	20%	20%	...	25%	33%	10%	6%	12%	8%	17%	15%	20%	23%	13%	7%
The Court	...	...	...	...	...	1%	4%	...	...	...	15%	17%	23%	17%	11%

Case disposal

In other to ascertain on the average how many criminal cases have been disposed of by the judiciary 20% revealed that it takes 6-15 days, 25% said it takes 16-30 days and 25% opined it takes less than 5 days.

**In the last 12 months, how many criminal cases have you disposed of in your court?**

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
Less than 5	25%	21%	41%	25%	23%	35%	29%	25%
6-15	20%	18%	29%	31%	33%	20%	57%	50%
16-30	25%	28%	12%	17%	17%	25%	0%	0%
30 and above	29%	33%	18%	26%	27%	20%	14%	25%

With respect to how long it takes the court to dispose of a criminal case, members of the Ondo state Judiciary were of the view that it takes about 91 to 180 days for a criminal case to be disposed of.

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

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
Less than 30 days	21%	22%	18%	7%	5%	5%	0%	0%
30 to 90 days	18%	17%	24%	47%	44%	63%	29%	25%
91 to 180 days	36%	39%	24%	38%	44%	16%	14%	25%
Above 180 days	25%	22%	35%	8%	6%	16%	57%	50%

## Oversight Powers

Section 28 (1) of the ACJL stipulates that at least monthly, Magistrates are to conduct an inspection of police detention centers or other places of detention within their territorial jurisdiction. 64% of the Magistrates in Ondo affirmed that they carry out these visits. 52% of respondents from investigating agencies surveyed were of the opinion that the Magistrates perform this function and 46% of respondents from investigating agencies surveyed stated that Magistrates do not perform this function.

**In the last 12 months, have you carried out an inspection of a place of detention (other than the prison) in the FCT? (S. 28 ACJL)**

	Ondo			Lagos			Abuja	
	Total	Magistrate	Judge - High Court of the FCT	Total	Magistrate	Judge - High Court of the FCT	Total	Judge - High Court of the FCT
Yes	62%	64%	56%	76%	77%	70%	43%	50%
No	38%	36%	44%	24%	23%	30%	57%	50%

**In the last 12 months, has a Magistrate or Judge carried out an inspection of your agency's place of detention? (S. 28 ACJL)**

	Abuja			Lagos							Ondo						
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC /JECC/CCB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC /JECC/CCB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Yes	0%	0%	0%	49%	61%	41%	50%	50%	67%	36%	52%	64%	33%	25%	100%	0%	80%
No	83%	100%	100%	51%	39%	59%	50%	50%	33%	64%	46%	33%	67%	74%	0%	0%	20%
Don't know	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%	2%	2%	0%	2%	0%	0%	0%

To determine adherence and compliance to Section 23 (1) of the Ondo 2015 ACJL, investigating agencies were asked if the heads of their agencies send records of arrest/detention to the Attorney General of Ondo state. 11% of police investigators said yes, while the other 89% are not sure. For those that answered yes, 50% stated that the reports are sent monthly.

**In the last 12 months has the Comptroller General of the Nigerian Prison Service or other officers sent to Ondo Chief Judge and the Attorney-General returns of all persons awaiting trial held in prison custody within Ondo for a period beyond one hundred and eighty days from the date of arraignment**

	Abuja			Lagos							Ondo						
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC /JECC/CCB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC /JECC/CCB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Yes	50%	0%	52%	75%	0%	0%	0%	0%	75%	0%	56%	11%	0%	0%	67%	40%	73%
No	6%	100%	3%	25%	0%	0%	0%	0%	25%	0%	1%	0%	0%	0%	0%	0%	2%
Don't know	44%	0%	45%	0%	0%	0%	0%	0%	0%	0%	43%	89%	0%	100%	33%	60%	25%

54% of the judiciary surveyed stated that they send reports of cases that did not commence 30 days after arraignment or conclude after 180 days from arraignment to the Chief Judge. For those that send, 30% send on a monthly basis, and 68% send on a quarterly basis.

In Ondo state 40% of Prison officers surveyed stated that the Comptroller General sends reports of persons awaiting trial beyond 180 days of arraignment; 57% stated that this is done on a quarterly basis.

**If Yes, how often?**

	Abuja			Lagos							Ondo						
	Total	Police Investigator	Nigerian Prison Service Officer	Total	Police Investigator	ICPC /EFCC/CCB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)	Total	Police Investigator	ICPC /EFCC/CCB Investigator	NAPTIP; NDLEA; NSCDC Investigator	FRSC/NAFDAC/Immigration/Customs Investigator	Nigerian Prison Service Officer	Others (e.g. Environmental Board, etc)
Monthly	25%	0%	22%	0%	0%	0%	0%	0%	0%	0%	28%	50%	0%	0%	33%	0%	32%
Quarterly	55%	0%	61%	100%	0%	0%	0%	0%	100%	0%	46%	0%	0%	0%	33%	57%	49%
Twice a year	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	2%	50%	0%	0%	0%	0%	0%
Annually	10%	0%	11%	0%	0%	0%	0%	0%	0%	0%	8%	0%	0%	0%	0%	0%	11%
Don't know	10%	0%	6%	0%	0%	0%	0%	0%	0%	0%	16%	0%	0%	100%	33%	43%	8%

## Recommendations

Since the commencement of the project in 2017, PWAN has proffered recommendations based on findings in each observation period. While there has been progress in some areas, the following recommendations remain relevant based on findings in this observation period:

1. *Capacity Building & Knowledge*: PWAN recommends that capacity building and knowledge of the ACJL is encouraged, emphasis should be placed on the knowledge of the functions and powers of all criminal justice actors beyond their individual responsibilities.
2. *Plea bargain*: As provided for in Section 247 of the ACJL, there should be discussions across the criminal justice actors on their understanding of this section, the process and how best to implement it. This would assist in reducing court caseloads, and thus making the system more effective.
3. *Presence of Lawyers during interrogation*- Section 3 (1) (b) (3) of the ACJL provides that where a suspect is arrested on allegation of having committed an offense, if he/she chooses to make a statement, the statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice. This provision is supported by section 36 of the 1999 Constitution which guarantees the right to a fair hearing and Force Order 20 that provides for free legal services in police formation. On that note, PWAN with the support of NPP has produced a legal aid directory which has information of civil society organizations providing legal aid services across the country, this directory can contribute to assisting with the implementation of the provision on the availability of legal representation. The members of the families of the suspects and / or the law enforcement officials could use it to get legal representation for suspects.
4. Finally, there is a need for continuous coordination between ACJL implementing organizations to ensure effective utilization of resources and promote the integrity of the Criminal Justice System so as to foster public confidence in the judiciary.
5. *Oversight Mechanism*: PWAN will continue to recommend that 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, compliance, and adherence of the law.
6. There should be a dedicated interrogation room provided for and should be properly equipped with modern facilities like video cameras to aid the proper investigation of cases, recording of confessional statements to enhance speedy trials.
7. The acknowledgement of good practices should be encouraged at all levels within the criminal justice system. This should include identifying and celebrating criminal justice practitioners who are doing excellent work at their various agencies and institutions.

8. PWAN has observed that the declogging panel set up by the chief Judge of the FCT High Court has aided in significantly reducing the number of back logged cases from the cause list of the judges, PWAN recommends that Ondo state judiciary should adopt this method to aid in the reduction of case back log.