



**INTERNATIONAL FEDERATION OF WOMEN LAWYERS  
(FIDA) NIGERIA**

***AN ABRIDGED PIDGIN VERSION OF***

**THE ADMINISTRATION OF CRIMINAL JUSTICE LAW,  
(LAW NO. 16 OF 2016) CROSS RIVER STATE**





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## INTRODUCTION

### **Purpose of this book:**

Dis book na to help us understand di new law wey dem call Administration of Criminal Justice Law or ACJL for short. Dis na di new law wey dey govern all criminal prodecure for Cross River State. Dis book go make person sabi their rights as etake dey for dis new law.

Before this time, Cross River State been dey use di Criminal Procedure Law take arrest, charge offenders for court, and prosecute dem. Now, government don talk sey make we no dey use dis law again as eno fit to meet obodo oyinbo standards for how dem suppose treat person wey dey don accuse of offence.

So, dis book go help you:

- Sabi how law enforcement agencies, weda na police, SARS, EFCC, ICPC, Civil Defence, or Nigerian Armed Forces, or any name wey dim wan call demselves, suppose act when dem wan arrest and detain person. E go also help you grab how dis same law enforcement agencies suppose treat any person wey dem don arrest.
- Sabi how you wey dey part and parcel of dis country suppose ask for your rights when you feel sey any law enforcement agent wan do you ojoro.
- Grab how court dey take treat person and conduct proceedings for criminal offence.
- See how women and pikin dem fit take benefit from dis new law.

## ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COMMITTEE (PART 46)

Among d plenti things wey d ACJL don do na to introduce wetin dem dey call ACJL Monitoring committee. Di purpose of dis committee na to ensure sey every criminal matter go move fast for court, prisons no go dey full, people wey dey await trial no go too stay for prison custody, and every person and organization dey do im part to ensure sey dis ACJL go do im work. Di head of dis committee na d Chief Judge of Cross River State. (Section 466 ACJL)

## TRIAL OF CORPORATION (PART 47)

By ACJL court fit try company for criminal offence (Sections 475-477 ACJL). So if company get charge, dem fit send representative wey go yarn court weda dem dey guilty or not guilty (Section 478 ACJL). Everything wey dey happen to individual wey court don convict fit happen to company (Section 481 ACJL).

## APPEALS FROM MAGISTRATES COURT TO HIGH COURTS (PART 48)

Person fit appeal any order wey court make for Magistrates Court for High Court. If magistrates court don already convict and sentence d person, d person go dey prison until d High Court don finish im appeal. D only reason why dem go free am ba if court been don order sey make dem release am on bail until di appeal go finish.(Section 482 ACJL).

because of im age, health, or di small offence wey d person been commit, or any other tory, e better make d court no send am go prison (Section 451 ACJL). Instead, court fit make order sey d person go sign sey im go behave for a period wey no go pass 3 years. (Section 451(2)(b) ACJL)

### ***Suspended sentence and community service***

Di other things wey ACJL don introduce na suspended sentence and community service. Now even if court don sentence convict, dem fit suspend d sentence so long as im behave well or order d convict to serve im community. (Section 457 ACJL)

### ***Damages and restitution***

D court fit still ask make d person pay for any damage wey im been cause any victim of im bad behaviour. (Section 451(3) ACJL)

### ***Where defendant commit anoda offence***

If d court don see sey di offender dey very stubborn and don commit anoda offence, dem fit impose di imprisonment wey dem been give before and cancel d community service. D court fit also sentence am but reduce d sentence because of d time wey im don spend d serve im community. (section 461 ACJL)

### **PAROLE (PART 45)**

Any convict wey don spend up to one-third of d time wey im suppose dey in prison, and been behave well for prison fit get parole. If d State Comptroller of Prisons make report give d Court and d court agree, dem fit release am from prison. But e no go end like dat. D person suppose undergo rehabilitation to help am make im dey useful to society. D rehabilitation fit take place for any place wey government decide. (Section 465 ACJL)

### **Basic Facts About the ACJL**

Abeg, we wan make you know sey:

- ❖ Dis ACJL na new law for Cross River State, wey our lawmakers for House of Assimbly don bring to make sure sey Cross River State enter 21<sup>st</sup> century in di way wey dem dey take treat defendant for case.
- ❖ His Excellency, Senator Professor Benedict Ayade, wey be oga kpata-kpata Governor for Cross River State come sign di Law on 27<sup>th</sup> May, 2017.
- ❖ Di ACJL been follow di Administration of Criminal Justice Act (ACJA), wey Federal Government been don sign into law in May 2015 by our former President, Dr. Goodluck Ebele Jonathan
- ❖ Di ACJL don improve di way which person wey dey stand trial, go take receive justice quick quick.
- ❖ Di ACJL go stop police make dem no dey do person anyhow because of offence.
- ❖ Di ACJL don also ensure sey police no fit use force make person accept crime wey im no sabi.
- ❖ Di ACJL don ensure sey any time police arrest you, you get right to silence until your lawyer show, before you fit write statiment.
- ❖ Di ACJL don make am setey, person no suppose dey go prison any how for simple offence. In fact, e don make am easy for

person wey no commit serious offence to serve im community as punishment for di offence wey im commit.

- ❖ Di main reason for dis ACJL na to make us respect everybody as human being. Also person wey commit offence no go just receive punishment. Instead, di person go try fix di damage wey im don cause di person wey him don offend and di community. Also, dis law don make sure sey vulnerable people for our society, like women and children, go dey safe.
- ❖ Dis new law only dey apply to criminal trials wey involve civilians but e no follow for any case wey dey court martial (Section 2(2) ACJL).

## CONTENTS OF THE ACJL

### Part One - Arrest:

- Di truth be sey one of di major wahala wey we get for dis country na unlawful arrest. Before-before police fit just pick person up, carry am go lock for cell. Dem been no dey no sey weda or not di allegation wey make dem pick up di person na offence. Even if na simple debt or loan wey Police no suppose involve, dem been still dey arrest person. Dis na di reason why ACJL don make am setey police no fit do again all di yama-yama things wey dem been dey do before as e concern arrest matter, because dos things no commot road for obodo oyinbo.
- Before-before, police fit arrest person without warrant anytime police get am for mind sey di person no get work or im no fit justify wetin im get (see sections 10(1) CPA & 27 CPC). Na because of dis laws police been dey arrest anyhow. Now, ACJL don limit di way wey police dem fit take arrest person.

Any oyibo person wey d court don convict for offence wey di punishment no be fine. (Section 436 ACJL)

Any person wey no be Naija but information don reach court sey d person wan try cause kasala and d court don invite am see sey e better make d bobo commot. (Section 437 ACJL)

Any person wey no be naija but dey attack government to cause kasala or dey try start problim for area and d court don see sey e better make dem send d person back d obodo oyibo wia im commot from. (Section 438 ACJL)

### *Na di Minister for Interior go decide whether to deport*

Court go make dis recommendation to di Minister of Interior who go yarn d court weda im go deport d person or not. (Section 442 and 443 ACJL)

### CHILD OFFENDERS (Part 43)

In order to protect d pikin dem, d ACJL don make am sey anytime pikin commit offence na d law wey government don create for di children wey go apply. Dis law na di Child Rights Law. All d things wey we don yarn for dis ACJL no go work with Children. (Section 448 ACJL)

### PROBATION AND NON-CUSTODIAL ALTERNATIVES (PART 44)

One of d new things wey dis ACJL don bring to help make person wey dey do bad thing change na to make am sey person no dey go jail all d time for every offence.

#### *Probation*

Now if person commit offence and d court don look am see sey

### ***Imprisonment***

Court fit order make di person go jail (section 412(1) ACJL). If court wan calculate di jail term to give person, e go consider and calculate from di time when di person enter cell since police been arrest am.

### ***Fine***

If court wan talk fine wey person go pay, di court go consider di kind person wey commit di offence to know weda na person wey fit pay di fine. (Section 418(1) ACJL)

Person wey court sentence to pay fine if im fail to pay am, court go send am go jail. (Section 416(1) ACJL)

Section 319(2) don talk di kind number of jail term wey dem fit give person wey no gree pay fine. Di oga kpatapkata judge wey be Chief Judge get power to change di amount any time. (Section 419 ACJL)

Person wey court don knock fine fit ask di court to add enough time for am wey im go fit pay di fine. (Section 425 ACJL)

### **DETENTION IN A SAFE PLACE OTHER THAN PRISON OR MENTALASYLUM (PART 41)**

Sometimes d court fit order sey make dem detain person for safe place wey no be prison or psychia. Anytime d court yarn so, d Attorney General get power to put d person for anywia im like, including prison and psychia as long as di place dey safe. Di Attorney General get power to give di person licence make im commot from custody and cancel di licence if di person no behave. (Section 434(1) ACJL)

### **DEPORTATION (Part 42)**

#### ***Court get di power to recommend deportation***

Court get d power to recommend make dem deport:

### **HOW POLICE SUPPOSE TAKE ARREST PERSON UNDER ACJL**

- **Police no fit arrest person anyhow wey dem like without warrant:** To make sure sey police no go dey continue to dey arrest person anyhow wey dem like, dis law don make am sey if police wan arrest person dem go first enter court collect warrant. Na dat warrant dem go use take arrest di suspect.
- Any officer wey arrest person without warrant get three days wey im go report to magistrate for court all di people wey im don arrest like dat (Section 32(1) ACJL). Di Magistrate suppose take d list go give di Attorney General who go decide weda dem go move di suspect go court or free am (Section 32(5) ACJL).
- **Wey police fit arrest without warrant:** Sometimes police fit decide sey dem go arrest suspect without warrant for offence wey no carry punishment like life imprisonment or death penalty (Section 18(1) (a) - (l) ACJL). Dis new law don talk sey police no fit keep di suspect pass 24 hours. Police fit keep di person pass 24 hours only if dem carry di suspect go court. Dat same suspect get right to go court alone or with im lawyer, tell di magistrate sey im wan bail. And once di magistrate don grant di suspect bail, police no get choice but to free di suspect.
- **Police no fit handle person anyhow because of arrest:** If person no resist arrest, police no get any right to use too much force arrest di person (Sections 8(1) ACJL). Weda or not di suspect commit offence, di person na human being and because of dat im get rights as di human being wey im be. (Section 5 ACJL).

- Di strict guidelines wey ACJL don give on how police suppose handle arrest be sey:
  - Unless police catch di suspect red-handed, police wey make arrest go yarn di suspect di reason why dem dey arrest am. Di police go also make sure sey di suspect sabi wetin be di offence wey im commit (Section 6(1) ACJL).
  - Na di police duty to tell di suspect dat im get right to rremain silent until im speak with lawyer or any other person wey im wan speak with. If suspect talk sey im no go make statiment, police no fit force am (Section 6(2)(a), (b)).
  - Police suppose tell di suspect dat im get right to free lawyer from any organization wey dey provide dat kind service like Legal Aid Council of Nigeria (Section 6(2) ©).
  - Once police don get suspect for custody, police go use their own money yarn di suspect relative or close-friend dat di suspect dey for police custody (Section 6 ACJL).
- Di only time wey police get right to handcuff suspect for arrest na wey di suspect fit escape or na to protect di suspect from any wahala (Section 5 ACJL).
- **Police no get right to arrest anoda person wey no commit offence because sey dem no see di real suspect:** Because of dis ACJL, police no fit arrest person wey be relative of suspect until di real suspect show. Now if police

### ***Death sentence on pregnant woman***

Di Law sey dem no fit pass death sentence give woman wey dey carry belle, instead dem go give am life sentence for jail. Again, person wey never reach 18 years no fit get death sentence instead dem go keep am make im dey jail until when Governor give order make dem release am (section 411 ACJL).

### ***Governor get di final sey***

If di defendant wey dem don pass sentence don finish im appeal for court, di Governor go decide weda or not make im change di death sentence to life jail term or to forgive di person. Di name of di committee wey fit advise di Governor on wetin to do na State Executive Council. (Section 406 ACJL)

If di Governor don agree to change di death sentence to jail term or to forgive di person, im go give order to informate di Superintendent of Prison and di Sheriff sey make dem no go carry out di death sentence, or dat make dem continue to jail di person or make dem release am make im go, anyhow wey e be. (Section 407 ACJL)

### ***Na di Sheriff dey carry out death sentence***

Wey di Governor no gree change di death sentence to jail term or to forgive di person, im go write informate di officer in charge of di prison so dat make im prepare go carry out di death sentence. (Section 410 ACJL)

## **SENTENCING OTHER THAN CAPITAL SENTENCE (PART 40)**

Aside from death sentence, other punishments dey wey di court fit order make convicted person do.

### ***Who fit file information***

Di people wey fit file information for High Court na di Attorney General, or di Director Public Prosecutions. Dese people fit allow any other officer or private prosecutor make im file information for high court. (section 344 and 377 ACJL)

### ***Time to assign information***

Once prosecution don file information, di Chief Judge get 15 days to assign it to di judge wey go handle di case. (Section 378(1)ACJL)

### ***Time to issue hearing notice***

Di judge wey go handle di case get 10 days to send hearing notice to everybody wey dey concerned sey make dem come court for trial. (Section 378(2)ACJL)

### ***Private person fit prosecute***

Private lawyer fit act as private prosecutor if law officer sey im no go prosecute di matter. In dat case, di private prosecutor go find surety and enter bond to show sey im go prosecute di matter well (section 379(1)ACJL).

### ***Court fit assign defendant lawyer***

Wey a person dey charged with capital offence di court fit give am lawyer wey go defend am. Di person wey suppose pay di lawyer na di Attorney General and Registrar. (section 345(1)ACJL)

## **PROVISIONS RELATING TO SENTENCE OF DEATH (PART 38 and 39)**

### ***Death sentence na by hanging***

Di Law talk sey di method wey dem fit take carry out punishment wey dim call 'capital punishment' na to die by hanging or lethal injection (section 398(1)ACJL).

dey find person wey dem don suspect of offence, dem fit only arrest dat person and nobody else. Dem no get to touch im friend, neighbor, mother, brother or anybody wey dey related to am (Section 7 of ACJL).

- **Police suppose protect kaya of di suspect:** Dis new law wey don show don make am sey police must search di body of di person wey dem arrest and find all di property wey im hold. Then police go write down for paper all di property wey dem find and give di suspect or im lawyer a copy of di list of di kaya wey di suspect been hold. Dis way person no fit talk sey police take im property commot (Section 10 ACJL).
- **If police don arrest suspect, dem need carry am go station sharpenly:** If police arrest person, dem no get right to take di person to any other place apart from di police station (Section 14 ACJL).
- **Suspect get right to bail:** Na di right of di suspect to get bail wey go allow am commot from police custody if dat offence na one wey person fit get bail. If na offence wey bail dey, Police go guide di suspect on how im go take get bail (Section 14(2)).
- **Police no fit detain suspect anyhow:** Now, if police don arrest person, dem no get right to keep am for custody till any time wey dem like. Anytime police arrest person dem get one week to yarn di Attorney General sey dem don arrest person. Na di duty of di Attorney General to inform di Commissioner of Police within one week, of wetin be di next step to take. Wetin dis one mean be sey, suspect get



two weeks to know im fate weda dem go charge am carry go court or dem go release am. (Section 31 ACJL; Section (15(4))ACJL).

- Even if na suspect wey dem arrest for capital offence wey be very serious offence like murder, manslaughter, armed robbery, or kidnapping, police no fit keep dem, no carry dem go court. Last last, wey police no fit find fault wey dem go take hold person wey dem don arrest, police go free di person make im go. (Section 29 ACJL; Section 8(3) ACJL).
- **Private person fit arrest suspect:** If ordinary person wey no be police officer catch person korokoro as im dey commit offence for im front, im fit arrest di suspect without any warrant. But as soon as di person arrest di suspect im go carry di suspect go police station make police do investigate and decide weda di person been commit offence. (Sections 20, 21 & 22(1)ACJL).
- **When suspect wan confess:** If suspect wey police don arrest wan yarn sey true true na im been commit di offence, dis new law, don give better way wey person fit confess to di offence wey im commit. Dis ACJL talk sey di suspect go dey in di presence of im lawyer or person wey im sabi wella. Because dis law no wan make police dey force suspect make im confess, dis law don make am setey before person fit confess to offence, im go do am in writing and for front of camera make dim record am as im dey make am. If suspect no sabi raport for English, im get talk am give interpreter who go write am down as statiment and read am to d suspect make im know sey wetin im talk and wetin di police write na d same thing. (Section 17 ACJL).

### ***Prosecution get di burden to prove sey di defendant dey guilty***

Di responsibility to show sey di defendant get case to answer dey for di prosecution hand. So anytime court see sey nothing dey di case against di defendant, di court fit no wait make defendant defend imself, di court on en own fit just discharge di defendant.(section 353 ACJL)

### ***Defendant get burden if court feel sey prosecution don show offence***

If di court feel sey di prosecution don show sey di defendant been commit di offence, di responsibility to answer go shift go di defendant hand. If di defendant no get lawyer im get three options. First, im fit sey something wey di prosecution no go cross-examine am on. Secondly, im fit yarn im side of di tori and swear sey na di truth. In dat case, the prosecution go cross-examine am. The last option wey dey di defendant get, na to keep quiet and no talk at all.(Section 354 ACJL)

### ***Defendant get right to call witness***

Di defendant get di right to call witness wey go help prove him side of di tori. (Section 354(2) and 355 ACJL)

### ***Court fit take sick witness evidence for wey di sick person dey***

If person sick no fit show for court, court fit move go take im evidence, and e go tell everybody wey dey di matter make dem show on dat date. (section 358 (2) and (3)ACJL)

### ***How trial for High Court dey take start***

Trials for High Court na by information. Before trial fit hold der, di offence go be something wey di defendant fit enter prison pass 2 years, pay fine wey pass N50,000 or fit face death penalty.

### **SUMMARY PROCEDURE IN PERJURY (PART 35)**

Di ACJL don provide for di method wey dem fit use try di case of person wey lie for oath and di Law come talk sey di method na by summary procedure. And if person lie for oath di punishment wey court fit give am no go pass 6 months jail term or to pay fine (Section 343 ACJL).

### **TRIALS (PART 36 AND 37)**

#### ***Legal Practitioners go must do dia case till di end***

Once lawyer don enter for criminal case for court, im no fit just commot for di matter anyhow until di case finish and court pass judgment. Di only way na if court order sey make di lawyer remove im hand for di matter or if di lawyer apply sey im wan commot and im go give good reason (section 345(7) ACJL).

#### ***Wetin dey happen if complainant and defendant's lawyer no show***

If complainant or defendant's lawyer no show on di trial date court get many things wey e fit do. If di complainant no show, court fit dismiss di case. Di only exception na if di complainant get good excuse. In dat case di court go adjourn di matter in a way wey go favour everybody. (Section 347(1) ACJL)

If di defendant's lawyer no show, di court fit order make legal aid take over di defendant's matter handle am (section 345(2) ACJL) Or, di defendant fit arrange anoda lawyer for himself within 30 days (section 345(3) ACJL).

#### ***Where di defendant no wan show***

When di defendant dey on bail but im no appear after dem don give am summons to appear for court, di court fit order make dem arrest di defendant bring am come court. (section 348(1) ACJL).

### **WARRANT OF ARREST AND SUMMONS, ENFORCEMENT OF WARRANT OF ARREST AND DISOBEDIENCE OF WARRANT OR SUMMONS (Part 3, 7 and 14)**

- **Issuance of Summons or Warrant of Arrest:** Wey e don dey clear sey person na suspect for offence, magistrate fit decide weda dem go summon am make di suspect show for court or issue warrant make police arrest di suspect. (Ss 112, 113, and 114 ACJL). Na only court fit issue summons to suspect, and dat summons go state di offence wey dem dey accuse di suspect of and give am time wey im go enter court answer wetin dem talk. (Section 116 ACJL).
- **Disobedience of summons:** Wey d suspect no gree sign di summons or no wan obey di summons, court get right to arrest am carry am go court. Di court fit send am go prison and d time wey im go spend for prison fit reach 14 days. (Section 127 ACJL).

### **PREVENTION OF CRIME (Part 4, 5 and 6)**

- Dis ACJL don yarn all d ways wey everybody fit do their own make dem take help prevent crime. Even though na di work of law enforcement to ensure sey crime no occur, their work go hard if person wey dey see sey crime wan happen no tell police.
- So dis ACJL don yarn sey anybody wey see wey dem dey commit offence or bad thing wan happen go report am give officer.
- Dis same law don talk all di ways wey police and magistrates fit help take prevent crime.

### **How Magistrates fit help prevent crime:**

- Now, wey d Magistrate don see sey person been wan cause wahala for di area d Magistrate fit make person sign sey im go behave (Section 61(3) ACJL). Wey d Magistrate don know sey person na area scatter who dey commit offence anyhow, or dey help bad boys for di area commit offence or hide loot, Magistrate fit ask am make im bring persons wey swear sey im no go misbehave again. Dem dey call dis persons Sureties. If di person still dey cause wahala, dis persons fit lose di property wey dem been use take oath sey dem go ensure dat di bad boy go behave wella. (See generally Sections 52 - 55 ACJL).
- Anoda thing wey di Magistrate fit do na to ask make di suspect/ bad boy commot property wey im go use promise sey im go behave and im no go dey waka about dey commit offence. If di suspect commit offence within di period wey di magistrate yarn sey make im no do anything, im fit lose im property (Sections 55 and 56 ACJL).
- Magistrate even get power to order make dem arrest any person wey fit cause serious wahala for di area if dim allow am or if d person commit offence for him front (Section 23 ACJL).

### **How Police fit help prevent crime:**

- Police also get di power to do anything wey go help keep di place calm. If police don hear better gist sey person wan do anoda person something or destroy im property police get every right to do anything wey go stop am. Wey e be like sey nothing else fit stop di person from committing offence, police get right to arrest di person if e go stop di offence (Sections 49 - 51 ACJL).

property wey person been use commit offence. If d property na something wey go quick spoil, di court fit order make dem sell d property fast fast after di court don use am get evidence. Na d court go still decide wetin dem fit do with di money wey dem make from d sale of di property.

### ***Orders wey court fit make onto property***

Any time wey case don finish and court don pass im judgment, di court fit make di following orders:

- i. Make dem destroy d property wey dem been use take commit d offence
- ii. Make dem collect de property wey dem been use take commit de offence or ....
- iii. Make dem give de property back to de true owner.

### ***Defendant get right to appeal***

If any person wey dey involve for case no come like wetin di court decide for di matter im go do appeal.

## **SEIZURE, RESTITUTION, FORFEITURE AND DISPOSITION OF PROPERTY (Part 34)**

### ***Seizure of property***

Court fit order make dem seize property wey dem recover from thief or wey dem use commit offence. Court fit keep or sell di property and hold di money until person who get di property come claim am for court and if person no come claim di property until e come pass 6 months, di money go enter government account.

### ***Buyer of stolen property fit collect im money back***

Wey person buy property wey im no know sey na stolen property, im get right to claim and recover im money from di thief even after dem don sentence de thief for court.

convict to change im way or wey go benefit di person wey di convict offend wey make di case come court, and di sentence suppose even benefit the community too so dat oda people wey get bad mind no go think again to commit dat kind offence.

### **COSTS, COMPENSATION, DAMAGES AND RESTITUTION (PART 32)**

- Di new law wey be ACJL don make am possible setey defendant/convict fit pay compensation give di person wey im offend. Even di court sef fit make order sey make di convict return di property wey im thief-thief from di owner (victim) give am back or make im pay money wey fit buy dat kind property.
- If di prosecutor for di matter na private person wey no from government and e come be sey at di end di defendant no dey guilty, court fit order sey make dat private prosecutor pay cost give di defendant for all di wahala wey im don suffer. Even di person wey accuse dey defendant before dem carry am go court, di court fit make order sey make im pay fine as im don accuse di defendant falsely or sey im don bring case wey no commot road come court.
- If di convict fail to pay compensation give victim, court fit seize im property and even if na im land court fit sell am. But if di sentence wey di court pass na for di convict to pay fine, court fit give time wey be sey im go must pay di money or di court fit allow am make im dey pay small small.

### **CUSTODY, DISPOSAL AND RESTORATION OF PROPERTY (PART 33)**

According to d ACJL, d court get right to decide how dem go keep any

### **MATTERS WEY CONCERN TRIAL FOR COURT (PART 8, 9 & 12 ACJL)**

- Di ACJL don clear am for how dem suppose hear case of suspect for court.
- If e dey clear sey person commit offence for dis state and dem don charge di matter go court, di court get right to make order sey make di suspect attend court (Section 263 ACJL). E no matter weda di person wey be di victim of di offence no wan make people see am (e.g. rape). Di main issue be sey na offence, and as so police get di right to charge di suspect.

#### **Court fit try suspect on something wey ordinary person complain about:**

- Person wey be victim of offence wey d suspect commit fit write by imself or ask im lawyer make im write complaint give police or to di court (Section 88(1) and (3) ACJL). Whicheva way, di court fit order police make dem look di matter wella know weda e good make dem charge di suspect go court for di offence (Section 88(4) ACJL).

#### **Trial get timing:**

- In order to make sure sey person no dey stay for trial pass when im suppose dey, dis new law don yarn sey make di State Comptroller of Prisons yarn give di Chief Judge of Cross River State and di Attorney General of di State any person wey don over stay pass 180 days for prison custody and im never know im fate. (Section 110(1) ACJL)

#### **Place of Trial or Inquiry:**

- Dis new law don make am setey suspect fit only answer charge for any of di places wey im been commit di offence, or wey im

for commit di offence even if na one small part of di offence. (Sections 92(1) and (2), 93 ACJL).

- Again, if Judge or Magistrate feel sey e better make di hear di case for dat court, im fit make order make dem try di suspect. Dis one fit only work if dem been arrest di suspect for di area wey d court dey, di suspect already dey in custody for dat area, or di suspect don already appear for dat court to answer to dat offence (Section 101 ACJL).

**Police gats secure di place:**

- Na di responsibility of di Commissioner of Police to ensure sey armed officer dey always dey present any time criminal trial dey take place for court. (Section 92(4) ACJL).

**Chief Judge fit transfer matter:**

- Even though trial don start for one court but witnesses never testify, di Chief Judge of di State get d power to move di matter go anoda court if e clear am sey e dey fair to everybody wey dey d matter (Section 97 ACJL).

**Commenciment and duration of trial:**

- Di ACJL don talk sey unless e dey legit adjust time, trial of suspect/defendant for court go start 30 days after prosecution don file di charge and dat trial no fit last pass 180 days (Section 109 (3) (4) & (5)).

**POWERS WEY ATTORNEY GENERAL GET UNDER DI ACJL (PART 10 & 11)**

- One office wey dis ACJL don give plenty powers na di office of di Attorney General. Na dis office now get di sole right to decide weda or not dem go prosecute any person for court. Na

thing be sey, suspect no fit dey rimand detention pass period of 28 days althogether. (section 293 ACJL).

**PRESENTATION OF CASE BY PROSECUTION AND DEFENCE (PART 31)**

- Di ACJL don yarn wetin go happen for court wen dem call suspect/defendant make im answer to the matter wey dem don for im head. If di defendant no gree talk or if answer sey im no guilty, di accuser wey be prosecutor go begin im case and call witsnesse(s). di procedure be sey after di witness talk finish, di defendant go come question am weda wetin im talk dey correct or abi na lie lie wen im come talk for court.
- After prosecutor don finish im side of di matter, defendant go defend imself for di matter. Defendant fit decide to enter witness box and yarn im own side of di tory, or im fit just decide to file No Case. After every-every, di court go consider weda di necessary eliments wey suppose gather for di offence don dey complete or weda all di evidence wey di prosecutor don present for court don connect to show sey di defendant been dey involve for di offence. After di court don decide how far for di evidence matter, di court go then continue with di case or discharge and acquit di defendant.
- After case don close, court go deliver im judgment and write am for paper or talk am for mouth and give reason. If court see sey defendant no dey guilty e go discharge instanta. But if defendant dey guilty, court go call anybody wey sabi di defendant (convict) make dem com yarn give court about di defendant (convict) character before before. Na wetin go help court decide weda make di sentence reduce or increase. Di sentence wey court suppose give na di one wey go help di

correct to ensure sey im go dey alright for court. So if court get anything wey fit make am reason weda d defendant dey alright, d court go ask make medical expert look d accused wella decide (section 275 ACJL). D court fit keep d accused for further observation. But dat period no fit pass one month (section 275(6) ACJL).

#### ***Wetin court dey decide after medical examination***

If d medical expert don look am see sey skosko dey worry d defendant, dem go send di defendant go mental asylum or any other place wey go better for di accused at di expense of di state (Sections 282 and 283 ACJL).

Di court fit also make order make dem deliver di defendant to im friend or relative if d court feel sey d defendant go dey better if im dey der. Also d friend go show sey im fit keep d defendant safe, make d defendant no wound person (Sections 288(1) ACJL)

Any time wey e dey clear dat d defendant don stable or d court don see sey d accused fit defend imself for di offence wey im commit, d relative or friend go ensure sey im bring di defendant come court (Section 285 ACJL).

#### **DETENTION TIME LIMITS (PART 30)**

Wey police arrest suspect for area where di court no get jurisdiction to try am, police fit still go court for order to rimand di suspect (Section 290 ACJL). Di court fit order make di suspect dey rimand until dem fit transport am to di court wey get jurisdiction to try di suspect or until the Attorney General decide weda evidence dey ground enough to continue with di case or not. Though di period of rimand no fit pass 7 days, di court fit extend di time to anoda 3 times of 7 days each. If di Attorney General advice no come dey ready after di rimand period, court go give di suspect bail or release di suspect kpata-kpata. Di final

only di Attorney General wey get di levels to decide weda dem go charge suspect for court, dem go stop to dey charge am or dem go carry go back court again (Sections 103, 104, 105 and 106(1) ACJL; also see section 211(1) 1999 Constitution of the Federal Republic of Nigeria as amended).

#### **Power to decide weda or not dem go prosecute:**

- If police arrest suspect for something wey be offence for Cross River State law, police go send a copy of everything wey concern di matter to di Attorney General who go decide weda di evidence dey enough to use charge di suspect or make dem leave am (Sections 21(3), 372(1) and (2)).
- Di AG gon gon fit handle di prosecution matter imself, or im fit authorize anoda person make im handle for am. Di person fit be law officer for AG office or even private lawyer (Section 105 ACJL). Di AG go also decide how dem go take prosecute di matter (section 265(4) ACJL)

#### **Power of Attorney General to Withdraw Case:**

- No matter how matter reach, di AG get power to commot him hand, end di case and stop d trial kpata-kpata (Section 106 ACJL). Howeva, di comma wey dey be sey if di case don go far setey di suspect/defendant don start to dey defend imself and tell d court im side of d tory, if na by dat time di AG come talk sey dim no wan continue again, di court go acquit di suspect/defendant (Section 107 (2) ACJL). If di court acquit am, di AG no get d power to bring di same matter in anoda time again.
- If di case don go far but di defendant never start to dey defend imself and na by dat time di AG come talk sey dem wan stop

prosecution, di court get option to discharge or acquit di defendant with reasons (Section 107(3) ACJL).

## **INSTITUTION OF PROCEEDINGS (PARTS 12, 13, 14, 15, 16 & 17)**

- Di two places wey dem fit charge suspect na for di Magistrates Court or di High Court. If na Magistrates Court dem wan charge di suspect, di matter go start when dem file di charge or complaint for court or anytime di Magistrate see di First Information Report wey police bring. If na for d High Court dem wan charge di suspect na Information dem go use.

Before dem fit talk sey case don start against suspect e mean sey di suspect don enter court and dem don read give am di charge or First Information Report wey go give di details of di suspect and when and wey im been take commit offence.

- **First Information Report (Part 13/section 111):** If person complain sey one suspect commit offence wey police fit arrest without warrant and di magistrate wey dey for d area fit try di suspect for di offence police fit arrest di suspect, carry am go court. In dat case, di police go use wetin dem dey call First Information Report take carry di suspect to court.
- **Enforcing di Appearance of Suspect (Part 14 and 15):** As we been don yarn earlier, di two ways wey court fit summon suspect na to give d suspect summons to appear for court answer to di charge wey dey against am. D other choice wey d court get na to issue warrant for di arrest of di suspect.
- **Irregularities in process:** As per wetin ACJL talk, even though somethings no too pure as to how dem take arrange di

## **PLEA BARGAIN AND PLEA GENERALLY PART 28**

One of di major things wey ACJL don introduce for Cross River na di use of plea bargain in criminal trials. Wetin plea bargain mean be sey, di person wey dem don accuse of offence fit siddon either by imself or through im lawyer yarn di prosecution sey im wan plead guilty in exchange for lesser sentence.

### ***Attorney General get power to accept plea bargain***

Dis ACJL don give di Attorney General power to accept plea bargain. But before im accept, im go reason am sey:

Im (AG) no get proof wey im go use convict di suspect.

D suspect don assure dem sey im go return all d matter wey im thief or do d victim well.

If d offence concern conspiracy, d suspect don assist di AG, yarn am everything wey im sabi about d matter. D thing wey d suspect don yarn d AG go dey alright to give conviction.

E dey in d interest of d general public, and e go make justice dey. (Section 267 ACJL)

So for plea bargain di suspect/defendant go siddon negotiate wetin go dey for di plea bargain agreement.

### ***Court still get di final sey***

Even though dem don finish agreement all, court fit still decide weda e go give di defendant d sentence wey dem don agree. D court get e own right to give d exact sentence wey dem (AG and accused) don agree, raise am up small or drop am down. If e wan raise am up, d court go yarn di defendant how far (Section 268).

## **PERSONS OF UNSOUND MIND (Part 29)**

### ***Wetin dey happen when person no sound***

Di ACJL don make provision for persons wey im mind no too dey

### ***Witnesses Expenses (Part 26)***

Any person wey been go court as witness for di prosecution suppose collect small thing wey go help am attend court. Even witness wey suppose help d suspect fit collect money if im ask court and d court allow am.

### ***Examination of Witnesses (Part 27)***

Normally no matter d kind trial wey e be, d public go witness d trial. Dis na as long as space dey for d court room. But d ACJL don also make am sey if d magistrate wey dey handle d matter don see sey e better make d public no enter at any point, d magistrate fit stop any body from coming near wey dem fit hear wetin dey sup for court. D magistrate go state di reasons y e go be like dat.

### ***Pikin presence and testimony***

Wey di person wey wan testify na pikin wey never cross 18 years, and im testimony na on immoral something, d court fit ask make every body commot. Only d lawyers for di matter and person wey d work for d court fit dey while d pikin dey testify.

Also pikin no fit dey court when dem dey try suspect unless na di pikin na d suspect or im na witness for d matter.

### ***Visit by court to locus***

Sometimes d court fit decide sey e better make dem see korokoro wetin truly happen. In dat case e fit make order make dem visit d place. Court fit even sit for der like sey e be courtroom or return back to d court and continue wit d matter.

### ***Recall of witness***

Even though witness don already yarn im side of d tori, court fit still call am back again if d court don see sey na dat witness testimony go help dem decide how d case go be.

suspect bring am come court, collect di suspect property, e no go affect di trial gon gon. Even wey di person who been sign di warrant or summons, no been get di power or di warrant or other document get small k-leg, e no go spoil di trial. (sections 134–140 ACJL).

### **SEARCH WARRANT (Part 18)**

- ***How Police fit get Search Warrant:*** By dis ACJL, police no fit enter primise to search unless im apply to court or Justice of di Peace tell dem all di totori wey make am believe sey person been commit offence for dat place or offence take place for there. Police fit to also get search warrant if im fit proof dat something dey dat site wey go serve as evidence of offence (Sections 141 and 142(1) ACJL).
- ***How Police suppose act on Search Warrant:*** Di officers wey dey act on dis search warrant get right to search di area wey di warrant give dem authority (Section 142(2) ACJL). Also, if dem want start to search, witnesses must dey so e go legit (Section 147(4) ACJL). Di person wey go dey for di area or wey get di property fit watch di police as dem dey do their search (Section 148 ACJL). If di occupant wan see list of all d things wey police been seize from d area, d police go give am (Section 148 ACJL). Di witnesses suppose sign di list to show sey dem been see as dem commot those things from di area (Section 148 ACJL). If dem find di evidence wey dem been dey look for, dem fit to arrest any person wey get di property or dey stay for di area wey dey been search (Section 142(2)(b) ACJL).
- ***Wetin Police dey do with wetin dem don seize:*** Wetin di police go do with di itims dem been seize from di area during di



search depends on di kind itim wey dem seize. If di itim na wetin go quick spoil, na di court go decide wetin go happen (Section 152 ACJL). If the thing wey police collect na dangerous thing wey fit harm person, police go handle di matter how di law take talk (Section 153 ACJL). If the itim na contraband like counterfeit money, police fit destroy am (Section 154 ACJL).

- **How police dey take search persons for di area:** If police wan search occupants for di area wey dem been get search warrant, ACJL don give im laws wey dem go obey (Section 147 (3) – (6) ACJL). One of dis laws be sey na only woman police fit search woman unless e no dey possible den any officer wey fit search am go do so (Section 147(3) ACJL).

#### **BAIL AND RECOGNIZANCES (PART 19)**

- As we been don yarn before, any suspect wey dey don arrest or detain get right to bail. Even then, to ensure sey di suspect go show, small rules dey d matter.

#### ***Children and Under-aged offenders (children in conflict with di law)***

Di ACJL in oda to protect pikin wey police don arrest, go see weda or not di pikin fit go on bail. Di only times wey d pikin no fit get bail na wen dem talk sey im commit murder or do any oda bad thing wey im fit dey prison pass 3 years (Section 158 (1) ACJL). Also, if d police see sey bad people like criminal and ashawo dey keep d child, d police fit keep d child for custody first (Section 158(1)© ACJL).

If d police see sey d pikin dey for better person hand, d police fit free d pikin make im go stay with im parents or d person wey dey take care of am on d condition dat dem go produce d child for court. Police get d

#### **CONVICTION (Parts 23 and 24)**

As we been yarn before, court fit convict person for offence wey dem been no charge am if dem no fit convict am for di main offence (Section 221 ACJL). Also court, fit convict person for attempt to commit offence if dm no fit grab am for the main offence (Section 222 ACJL).

#### ***Dem no fit try person twice for di same offence***

Once court don pronounce judgment on defendant, weda na conviction or dem acquit am, court no fit try the person again for dat same offence (section 236(1) ACJL). The reason be sey make court no punish the person two times for one offence wey im commit.

#### **WITNESSES (Part 25 – 27)**

#### ***Court fit summon witness***

If di prosecution or defendant ask di court, di court get di power to call any witness who fit tell the real tory about the offence wey dem talk sey di defendant commit (section 238 ACJL). In dat case, di witness go collect transport fare unless, im na public officer (section 238(2) ACJL).

#### ***Court fit arrest witness***

If di witness no wan collect di summons, or im collect am but no gree show for court without excuse, di court fit arrest am (section 240 ACJL). Court fit arrest witness at once if di court person swear sey di witness no go show unless dem arrest am, court fit order make dem arrest di witness at once (section 241 ACJL).

#### ***Court fit fine witness***

If di witness no gree show or im run from court when di judge or magistrate never free am, di court fit fine di witness (section 243 ACJL)

sey weda or not di offence of attempt no dey di charge (section 208 ACJL). If di court convict di defendant because sey im attempt to commit di offence, di prosecution no fit convict am for di main offence wey im been attempt to commit (section 224 ACJL).

### ***Effect of withdrawal of a charge upon conviction***

If di defendant been dey face many charges for di plenty offences, and di court don convict am for one of those offences, the prosecution fit withdraw di other charges. Now if this kind thing take happen, di meaning be sey di defendant don go scot free for di other charges. But if an appeal court no gree with the conviction, free di defendant for di offence wey the trial court been don convict am, di prosecutor get right to take di defendant to court for di offence wey dey been don withdraw before (Section 235 ACJL).

### ***Dem fit charge person for one offence convict am for anoda***

Di ACJL don make am setey di offence wey dem charge person with fit no be di offence wey dem go convict am. Dis one dey wey di court on di evidence wey e don see clear am sey na anoda offence wey you been commit (Section 226 ACJL). For example person wey dem been don charge with rape fit go prison for indecent assault (Section 231 ACJL).

### ***Dem fit change charge anytime before court pass im judgment***

Di ACJL don allow make di prosecution change di charge anytime before di court pass im judgment or correct any error wey been dey di former charge (Section 214 ACJL). When dem amend di charge, dem go ask make di defendant plead again weda im dey guilty or not (Section 215 ACJL).

In dat case, dem fit also recall witnesses wey been don testify before make dem come back testify (Section 217 ACJL).

right to ask for sureties, or bail bond which na di sum wey dem go lose if dem no bring d pikin come court (Section 158(2) ACJL).

### ***Adult offenders***

If person dey police custody or any other place wey dem don detain am, d court fit ask make dem bring am come court. When di person come court, d court go decide wetin go happen, weda di person go get bail and wetin be de conditions for d bail. (section 157 ACJL)

### ***Homicide***

If person commit any offence wey d punishment na death, only d high court fit give am bail (Section 159 ACJL). Even den e go hard because dis law don make am sey before person collect bail im go show better reason (Section 159(2) ACJL). For example if im sick wella and better doctor and d place wey dem dey keep am no fit treat am. Anoda reason na if dem don keep am stay especially if e don pass one year. D high court judge fit reason di matter on im own decide weda e go dey better make d suspect dey house and dat di suspect nor go use dat chance run away from wetin dem don charge am for court.

### ***Bail for minor offences***

Wey suspect dey stand trial for offence wey d punishment no pass 3 years normally im get right to bail (Section 160 ACJL). But if e don clear for court dat if dem allow d suspect go house, d suspect fit commit anoda offence, escape or do any other bad thing wey go make d trial favour am, d court no go give d suspect bail (Section 160(1)(a)-(f) ACJL).

### ***Conditions for bail***

Normally, suspect fit get bail if im promise court sey im go dey show up for trial anytime im matter come up. But everything depend on d court. D court fit yarn sey make d suspect drop money or any other

bechere property wey d suspect get to make sure sey im go come court. If d suspect still no show as im been promise, im fit lose im property wey im been keep for court. (Section 163 ACJL)

If d conditions wey magistrate court put on de suspect before im go get bail dey too much, di suspect get right to go High Court make dem look am again (Section 166 ACJL).

### ***Sureties***

Di suspect fit also bring person wey go stand for am promise sey im go make sure d suspect show for court and dat if d suspect no show, im go forfeit im property. D person wey dey stand for di suspect na surety. Na d court wey go decide wetin d surety go drop in order to allow d suspect collect bail. (Section 165 ACJL)

### ***If d Suspect wan run***

Once d suspect get bail and court hear gist sey d suspect wan run, d court fit order sey make dim arrest am keep am until dem try am finish (Section 172 ACJL).

### ***Women and bail***

Di ACJL don make am settee e dey very clear sey woman fit stand as surety for person wey dem don arrest. Court now no get right to make order sey person wey fit stand as surety for suspect go be man only (Section 165(3) ACJL).

## **PROPERTY AND PERSONS (Part 20)**

ACJL don list all di ways wey dem dey take describe who get property or who hold am, if d person wey hold am no be di owner. (Section 187(a) ACJL)

### ***Woman property***

So dat woman property go dey safe, di ACJL don make am sey no matter d kind offence wey d woman husband or any oda person commit, dem no go fit collect d woman property. Di woman go hold d property as if sey she never marry (Section 189 ACJL).

## **CHARGES (Parts 21 and 22)**

### ***Contents of Charge***

Di ACJL don yarn wetin a charge suppose get. A charge go talk di offence wey d defendant been commit, and d law wey create d offence (Section 192(1) ACJL). E also good if di charge yarn how di offence take happen (Section 197 ACJL).

### ***Persons charged together***

Where two or more person join do the offence, di defendants fit dey for di same charge if:

- dem been dey help each other commit di offence,
  - or if dem join hand commit di same offence or more than one offence
  - if one of dem dey receive stolen property, or dey help hide am.
- (See section 206 (a)–(f) ACJL)

### ***Error no fit spoil charge***

Charge no dey spoil because of error for am. The only time wey any error fit affect di charge na if di defendant fit show sey di error come mislead am to do wetin im for no do for di matter (section 218 ACJL).

### ***Dim fit convict for attempt***

If di main offence wey dem been carry di defendant go court no work but di prosecution fit prove sey im been at least make attempt to do di offence, di court fit convict di defendant for dat attempt. Di court no go