



MODEL PRACTICE DIRECTION

**ON THE IMPLEMENTATION OF THE
NATIONAL MINIMUM STANDARDS FOR
THE EFFECTIVE APPLICATION OF THE
ACJA/ACJL**

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PRESENTS

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MODEL PRACTICE DIRECTION

ON THE IMPLEMENTATION OF THE NATIONAL MINIMUM STANDARDS FOR THE EFFECTIVE APPLICATION OF THE ACJA/ACJL

In exercise of the powers conferred on me by section 259 of the Constitution of the Federal Republic of Nigeria, 1999, section 490 of the Administration of Criminal Justice Act 2015 and all other powers enabling me in that behalf, I,, Honourable Chief Judge of the Federal Capital Territory High Court, make the following Practice Direction:

PART 1

PRELIMINARY

Citation and Commencement

This Practice Direction shall be cited as Practice Direction No... of 2025 and shall come into effect on the day of 2025.

PART 2

OBJECTIVES, GUIDING PRINCIPLES AND APPLICATION

ARTICLE ONE

1. Objectives and Guiding Principles

(1) The purpose of this Practice Direction is to ensure compliance with the Administration of Criminal Justice Act 2015 ("the ACJA") and to realize the objectives expressed in section 1(1) of the ACJA, that is to:

- (a) ensure efficiency and speed in the management of criminal trials and dispensation of justice;
 - (b) protect the interests and fundamental human rights of the defendant, victim, witnesses and society; and
 - (c) ensure active participation of all parties to focus on matters that are genuinely in issue for trial, thereby reducing delays and expense at criminal trials.
 - (d) ensure equal access to justice and procedural accommodations for persons with disabilities in line with the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018.
- (2) This Practice Direction shall be construed to ensure that:
- (a) the ACJA is not abused to undermine confidence in the Criminal Justice System;
 - (b) hearings are not stalled;
 - (c) parties focus on matters which are genuinely in issue;
 - (d) interlocutory matters do not occasion delays;
 - (e) prosecution and defence are ready to commence Trial; and
 - (f) witnesses are ready and available to testify.

ARTICLE TWO

2. Application

- (1) This Practice Direction shall apply to criminal proceedings before the courts of the Federal Capital Territory.
- (2) In the application of this Practice Direction each case shall be treated on its merit in line with the provisions of the Administration of Criminal Justice Act 2015.
- (3) In the implementation of this Practice Direction,
 - (a) all courts shall make reasonable accommodation during proceedings to ensure effective access to justice for persons with disabilities.
 - (b) such accommodation shall include, but not be limited to:
 - i. provision of sign language interpretation,
 - ii. accessible aid,
 - iii. assistive device,
 - iv. physical accessibility to court buildings and facilities; and
 - v. prioritization of cases involving persons with disabilities where appropriate, to avoid undue hardship.

ARTICLE THREE

3. Interpretation

For the purposes of this Practice Direction:

"accessibility aid" includes any fixture and device that aids accessibility;

"accommodation" means any arrangement in regards to person with disabilities, that allows such persons access to justice;

"assistive device" means any device that assists, increases, or improves the functional capabilities of persons with disabilities;

"bail bondsperson" means a person registered as such under Section 187 of the ACJA;

"benefit fraud" means any form of welfare fraud within the welfare system of government;

"call over" means the process of reviewing and calling cases listed on the court's docket that have not yet been assigned specific hearing dates, with the objective of ensuring proper scheduling, preventing undue delays, and safeguarding against the omission of any case;

"case management" refers to the organized process by which the Courts, Prosecutions, Legal Practitioner for the defence, and other stakeholders handle criminal cases to ensure their efficient progression through the judicial system; this involves managing pretrial activities, addressing procedural issues, scheduling the hearings, setting deadlines and resolving cases promptly, all aimed at timely justice, and fulfilling the objectives of the ACJA 2015;

"cost" includes any cost imposed on a Legal Practitioner or any other person as a result of any improper, unreasonable or negligent act or omission;

"court" includes Magistrate Court, High Court and any other courts exercising criminal jurisdiction in the Federal Capital Territory;

"day-to-day trial" includes effective case management;

"detention facility" includes custodial centres, detention facilities for children, and any such facility maintained by any law enforcement agency;

"filing" includes but is not limited to electronic filing;

"legally aided" means where a person is represented by a Legal Practitioner from the Legal Aid Council of Nigeria or any other pro bono service;

"NCMS" means Nigerian Case Management System

"parole" means the release of an inmate from the custodial centre before the full sentence has been served under section 468 of the ACJA;

"person with disability" has the meaning assigned to it under section 57 of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 and includes any person who requires special assistance, accommodation, or adjustment to effectively participate in court proceedings;

"Plea Bargain Agreement" means the agreement attached to the first schedule of this Practice Direction;

"Plea form" means the form attached to the first schedule of this Practice Direction to be completed by a Defendant(s) who is facing a charge with multiple counts and endorsed by his counsel;

"police officer" includes any member of the Nigeria Police Force established by the Police Act or where the context so admits, shall include any officer of any law enforcement agency established by an Act of the National Assembly;

"probation sentence" means a court-imposed criminal sentence that, subject to stated conditions, releases a convicted person into the community instead of sending the convict to custodial centre;

"service" includes electronic service, notification and receipt of processes and documents via the NCMS e-filing portal;

"third party costs order" means an order for the payment of costs incurred by a person who is not a party to the proceedings ("the third party"); and

"wasted costs" means any costs incurred by a party (which includes a legally aided party) as a result of any improper, unreasonable or negligent act or omission on the part of a legal practitioner or any party which, in the light of any such act or omission occurring, the court considers it unreasonable to expect the opposing party to pay.

ARTICLE FOUR

4. Attitude of the Court and Legal Practitioner

- (1) Judges and Magistrates shall have a firm control of the daily business of the court. They shall ensure that counsel conducts the business of the Court with professional decorum and avoid any act, which is either an abuse of the justice system or is aimed at causing delay or truncating trials.
- (2) A Legal Practitioner who may wish to make a petition against a Judge or Magistrate shall first inform the Chief Judge in writing of the allegation against the Judge or Magistrate concerned.

- (3) In investigating a petition made against a Judge or Magistrate, the Chief Judge shall ensure that petitions do not become a *de facto* stay of proceedings of the trial.
- (4) Judges and Magistrates shall take concrete and identifiable steps towards improving the efficiency of the registrars and bailiffs whose activities shall be reviewed periodically.
- (5) Judges and Magistrates shall investigate and report to the Chief Judge all allegations of unethical practices by court staff.
- (6) Judge or Magistrate shall set aside or designate certain days or time for the hearing and determination of criminal cases.
- (7) Where no specific days or times are set aside or designated for hearing of criminal cases, criminal cases on the Cause List shall be given priority over any other business of the court without prejudice to the discretion of the court in respect of special applications or privileges.
- (8) The Judge or Magistrate shall conduct quarterly call-over of all stalled or pending criminal matters or cases for proper case management and oversight of the criminal cases in the court.
- (9) Where a judge or magistrate is elevated to a higher court, retires or is otherwise unable to continue with the trial of the case, the head of court shall re-assign the case to another judge or magistrate within 14 days.
- (10) Judges, Magistrates, and Legal Practitioners shall take all reasonable steps to ensure that persons with disabilities who are parties, witnesses, or defendants are provided with necessary accommodations to enable their effective participation in proceedings.
- (11) The Chief Judge shall ensure the operationalization of Family Courts and the application of child justice procedures in cases involving children in accordance with the Child Rights Act.

PART 3

LEGAL ADVICE, COMMENCEMENT OF PROCEEDINGS, ETC.

ARTICLE FIVE

5. Time limit for issuance of Legal Advice

- (1) The Attorney General of the Federation shall issue Legal Advice within a time limit of 14 days from the date of receipt of case file(s) from the Police.
- (2) The Attorney General of the Federation shall ensure that the Police and the Court receive a copy of the Legal Advice within 7 working days of its issuance.

ARTICLE SIX

6. Commencement of criminal proceedings

- (1) Save as otherwise provided, cases shall commence in the:
 - (a) High Court by Information or Charge; and

- (b) Magistrate Court by Charge or First Information Report or Direct Criminal Complaint.
- (2) Any criminal proceeding commenced by Information or a Charge at the High Court shall be accompanied with a verifying affidavit by the prosecution stating that:
 - (a) investigations have been concluded; and
 - (b) the prosecution and its witnesses are ready to proceed with the trial.
- (3) The Information or Charge shall be accompanied by:
 - (a) a list of witnesses;
 - (b) deposition of witnesses;
 - (c) certified true copy of extra-judicial statement(s) of prosecution witnesses;
 - (d) a list or inventory of Exhibits the prosecution intends to introduce at the trial;
 - (e) a plea form which shall be in conformity with Form 03 (Plea Form) of the First Schedule to this Practice Direction;
 - (f) a form for legal representation; and
 - (g) any other information, material or statements the prosecution intends to use at the trial.
- (4) The prosecution shall serve the documents mentioned in clause (3) above on the defendant or his legal representative, if any.
- (5) Where the prosecution fails to comply with clause (3) above, the information or charge shall not be assessed or accepted for filing by the Court Registrar and if the incomplete process is assessed or filed, the Court may strike it out as incompetent.
- (6) The prosecution and legal practitioner for the defence shall ensure every document filed at the Court Registry has the Email address, WhatsApp number and/or Telephone number of the legal practitioner or defendant where he is not represented by legal practitioner.
- (7) The Court Registrar shall write and enter the Email address, WhatsApp number and/or Telephone number of every legal practitioner involved in a matter or case on the Court's file.

ARTICLE SEVEN

7. E-Filing and Assignment of Information or Charge

- (1) The Registrar of court shall ensure prompt service of the Hearing Notice and Charge not more than 7 working days from the date of filing.
- (2) The Court may authorise that a Charge or Information be served by registered Post, E-mail or other electronic means.
- (3) Service by electronic means shall be deemed to be proper service once it is sent to the electronic mail address and telephone number (SMS/WhatsApp) or any other mode of electronic communication provided by the parties.

- (4) The Chief Judge shall deploy electronic case tracking systems for monitoring the progress or otherwise of cases. This may include the:
 - (a) assignment of cases to courts;
 - (b) conduct of cases and the progress of such cases; and
 - (c) taking of remedial action where necessary.
- (5) The Chief Judge shall explore the option of having an integrated case tracking system that enables the courts, prosecuting authorities, criminal justice agencies and legal practitioner for the defence to share and access information on pending cases.

ARTICLE EIGHT

8. Service of Charge or Information

- (1) A Charge or Information and other related court processes may be electronically filed with the Court.
- (2) A Charge or Information shall be assigned to a court for trial within 7 working days of its filing.
- (3) The court to which the case is assigned shall within 7 working days, issue a Hearing Notice to the parties, electronically or physically.

PART 4

BAIL, REMAND, ETC.

ARTICLE NINE

9. General entitlement to Bail

- (1) A prosecution shall file along with the Charge or Information a statement indicating whether or not the defendant was granted administrative bail, and if so, the terms of such administrative bail.
- (2) A suspect who was granted bail during remand proceedings shall not be refused bail during the trial unless, in the opinion of the court, there are reasons to justify the refusal.
- (3) A prosecution who opposes the grant of bail shall specify the cogent and convincing reason(s) or exception(s) to the general right to bail on which the prosecution relies.
- (4) Where an application is made for the bail of a suspect or defendant pursuant to sections 161 or 162 of ACJA or any other Law, the Respondent shall within seven (7) days of service of the application or as may be directed by the Court, file a counter affidavit or a reply on Points of Law, if the Respondent desires to react to the application.
- (5) The Applicant may file a:
 - (a) further affidavit within Five (5) days of the service of the counter affidavit;or
 - (b) reply on the fresh issues of Law raised in the Respondent's reply.

- (6) The Court may in the interest of justice, abridge the timelines provided in clause 5 (a) and (b).
- (7) Applications for Bail may be by summons or motion. However an oral application for bail may be allowed.
- (8) A Judge or Magistrate may grant bail *suo motu* in appropriate circumstances.

ARTICLE TEN

10. Bail Information Management System (BIMS).

- (1) There shall be established in the Federal Capital Territory a Bail Information Management System, hereinafter referred to as (BIMS).
- (2) The BIMS shall:
 - (a) ensure compliance with clause (3) of this Article;
 - (b) enhance transparency and accountability in bail administration;
 - (c) facilitate efficient record-keeping and retrieval of bail-related information;
and
 - (d) support the courts to reduce delays associated with tracking and verifying defendants/sureties and to automate the process of documenting and processing bail in court; and
 - (e) ensure linkage with government identification database such as the NIMC.
- (3) The BIMS shall capture and store electronic information in conformity with Form 01 of the First Schedule to this Practice Direction any relevant data of in respect of suspects/defendants, and their sureties for all bails processed through the courts. The information pertaining to a suspect/defendant shall be captured in the suspects information form 01A of the First Schedule of this Practice Direction
- (4) All data captured by the BIMS shall be securely stored and managed in accordance with applicable data protection laws and standards.
- (5) The BIMS shall submit quarterly reports to the Chief Judge.
- (6) Where a suspect or defendant is granted bail, the BIMS shall cause to be taken in the prescribed Form, the following records of the Surety:
 - (a) his full name, occupation, age, gender, state and local government of origin, residential and permanent addresses; and
 - (b) for the purpose of identification, his:
 - i. height;
 - ii. passport photograph;
 - iii. full fingerprint impressions;
 - iv. Bank Verification Number;
 - v. telephone number; and
 - vi. other means of identification
- (7) The BIMS shall verify the information supplied by the Defendant or Surety.

- (8) Where ownership of a landed property is stipulated as one of the conditions for bail, the title document submitted by the Surety or Defendant to the court shall be forwarded to Abuja Geographical Information System (AGIS) or any other land information system for verification.
- (9) Pursuant to Article 10(8) of this Practice Direction, the land information system registry shall ensure that the verification is carried within 12 hours of presenting the document for verification.

ARTICLE ELEVEN

11. Sureties and Bail Conditions

- (1) A court may grant bail conditionally or unconditionally.
- (2) Where bail is conditional, the terms shall not be excessive but may include the deposit of security in the form of:
 - (a) land title document;
 - (b) international passport;
 - (c) cash; and/or
 - (d) any other valuable documents or assets.
- (3) A defendant admitted to bail may be required to produce such surety or sureties as, in the opinion of the court, will be sufficient to ensure his appearance, and for this purpose the court shall require the execution of:
 - (a) Defendant's Recognizance;
 - (b) Surety's recognizance. The Surety's Recognizance Form shall be as in Form 01B of the First Schedule to this Practice Direction; and
 - (c) Joint bond of the Defendant and surety.

ARTICLE TWELVE

12. Remand

- (1) A suspect arrested for an offence for which a magistrate court has no jurisdiction to try shall within a reasonable time, be brought before the Magistrate Court for cognizance and remand.
- (2) For the purposes of this Article, "reasonable time" means in the case of an arrest or detention in any place where there is a magistrate court within a radius of forty (40) kilometres, a period of within twenty-four (24) hours and in any other case, a period of forty-eight (48) hours.
- (3) An Application for remand shall be:

- (a) made *ex-parte* and in conformity with Form 8 in the First Schedule to the ACJA;
 - (b) in writing; and
 - (c) accompanied by an affidavit stating the basis for the request.
- (4) The Court may when considering a remand application consider the following:
- (a) the nature and seriousness of the alleged offence;
 - (b) whether there are reasonable grounds that the Suspect has been involved in the commission of the alleged offence;
 - (c) whether there are reasonable grounds for believing that the Suspect may abscond or commit further offence where he is not committed to custody; and
 - (d) any other circumstance that justifies the request for remand.
- (5) The Court may grant an order for remand after considering clauses (3) and (4) of this Article for 14 days only with a return date.
- (6) Where pursuant to an application, good cause is shown why there should be an extension of the remand period, the Court may make an order for further remand of the Suspect for a period not exceeding 14 days and make the proceedings returnable within the same period.
- (7) Where the Suspect is still on remand at the expiration of the period provided in clause (5) of this Practice Direction, the court may, on application of the Suspect, grant bail in accordance with the provisions of sections 158 to 188 of the ACJA.
- (8) At the expiration of the Remand Order, and where the Suspect is still remanded with his trial having not commenced, or charge having not been filed at the relevant court having jurisdiction, the Magistrate Court shall issue a hearing notice on the Prosecution, the Inspector-General of Police or the Commissioner of Police and the Attorney-General of the Federation or the relevant arresting authority.
- (9) The Magistrate Court shall issue a hearing notice on the Prosecution to show cause why the Suspect remanded should not be unconditionally released.
- (10) Where the Attorney-General of the Federation, the Inspector-General of Police, the Commissioner of Police or any other prosecuting agency show good cause and make a request to that effect, the Court:
- (a) may extend the remand of the Suspect for a final period not exceeding 14 days for the Suspect to be arraigned for trial before an appropriate court; and
 - (b) shall make the case returnable within the said period of 14 days from the date the hearing notice was issued.

- (11) Where good cause is not shown for the continued remand of the Suspect and the Suspect remains in remand custody after the expiration of the extended "period" under clause (10) of this Article, the Court shall, with or without an application to that effect, discharge the Suspect and the Suspect shall be immediately released from custody.
- (12) Application for renewal of remand order may only be granted if the Prosecution makes a case justifying the renewal and shall not be granted as a matter of course.
- (13) At the expiration of the final remand order, the Suspect shall be released unconditionally where a charge has not been filed against the Suspect in a court of competent jurisdiction.
- (14) No further application for remand shall be entertained by any court after the proceeding in clause (10) of this Practice Direction.
- (15) Upon the expiration of the Remand Order, the Court shall vacate the Remand Order immediately or not later than 72 hours.
- (16) Failure by the responsible officer of any remanding authority to release a suspect upon the expiration of the Remand Order or the said 72 hours shall be punishable as a misconduct.
- (17) Application for remand in cases involving allegations of capital offences shall only be made at the High Court.
- (18) Every remand order shall stipulate the duration of the Order.
- (19) No child shall be remanded in any adult remand or custodial facility.
- (20) During remand proceedings, the Court may order the Suspect to be brought before it.
- (21) The Court may order that the Suspect be transferred to a hospital, asylum or any suitable place for the purpose of giving him medical treatment, including facilities accessible to persons with disabilities or may make any order that it considers necessary at any time during the remand period.
- (22) The Court may exercise the powers conferred on the Court under this Practice Direction:
 - (a) whether the suspect is present in court or not; and
 - (b) on its own motion or on application, including an application by a person in charge of the Custodial Centre or other place of custody where the Suspect is detained.
- (23) A court seized of remand proceedings shall make quarterly returns of remand commenced and dealt with in the Court to the Chief Judge.

- (24) The Registrar of Court shall submit quarterly reports to the Secretariat of the Administration of Criminal Justice Monitoring Committee of all cases of remand applications that did not result in the filing of charges after the expiration of the remand period.
- (25) The Nigerian Custodial Service/Detention Centres shall forward on a quarterly basis the return of persons remanded to the ACJMC and the Attorney-General of the Federation.
- (26) The Officer in charge of a custodial facility shall at the expiration of the period notify the Court in writing for appropriate direction.
- (27) A Magistrate shall not sign any blank remand order.
- (28) The Nigerian Custodial Service or any other detention facility, custodial or rehabilitation centre shall provide all necessary facilities to address the special needs such as medical and nutritional needs of female inmates including pregnant women, nursing mothers, babies and children in custody.
- (29) The Nigerian Custodial Service or any other detention facility, custodial or rehabilitation centre shall provide all necessary facilities to address the special needs of persons living with disabilities.

PART 5

PRE-TRIAL CASE MANAGEMENT HEARING

ARTICLE THIRTEEN

13. Pre-trial Case Management Hearing

- (1) This part applies to the management of the hearing of a case in the High Court.
- (2) The Court shall set down the Case for Pre-trial Hearing within fourteen (14) days after the Arraignment subject to the provisions of paragraph 4 (a) of this Article, where the following preliminary issues shall be identified:
 - (a) objection on grounds of jurisdiction;
 - (b) admissibility of evidence including statements of the Defendant(s);
 - (c) number of witness(es) to be called by the parties;
 - (d) non-contentious evidence and admissions;
 - (e) time estimate and schedule of witness(es) for the trial; and
 - (f) any other matter incidental to the trial:
- (3) At the Management Hearing, the Court shall:
 - (a) establish, with the active assistance of the parties, the disputed issues they intend to explore.
 - (b) require the parties to provide a timed schedule for calling of witness(es), details of any admission(s), written evidence and other material to be adduced;

- (c) ensure that the evidence, questions, and submissions are strictly limited to the relevant disputed issues; and
 - (d) admit in evidence, non-contentious evidence by agreement of parties.
- (4) At the Case Management Hearing, the Court shall order the parties to complete, file and serve the Case Management Form, as set out in Form 06 (Case Management Information Form) of the First Schedule of this Practice Direction:
- (a) the prosecution shall be allowed not more than Seven (7) days to complete, file and serve on the Defendant(s), the Case Management Form; and
 - (b) the Defendant(s), shall upon receipt of the Case Management Information Form 06 be allowed not more than Seven (7) days to complete, file and serve same on the prosecution;
 - (c) in completing the Case Management Form, the parties shall identify all relevant issues to which they are in agreement or to which they dispute, list of witnesses, exhibits and time required for presenting their evidence.
- (5) Where a party raises any objection on grounds of jurisdiction, the court shall take note of the objection and set an appropriate date for its consideration during the trial and ruling shall be reserved till final judgement.
- (6) No application including matters of jurisdiction which should have been raised at the Case Management Hearing shall be entertained during the substantive trial, but may be raised at the Final Address stage.
- (7) Documents or 'evidence agreed' by consent of prosecution and defence at the Case Management Hearing shall form part of the proceedings and records of the court, without recourse to further conditions of admissibility at trial.
- (8) Any party wishing to call a witness who for any reason would be unable to appear in Court in person to give evidence shall state the particulars of such witness and the reasons for the inability of such witness to appear before the Court.
- (9) A party shall apply to the Court during the case management hearing for leave to allow the witness give his evidence through live video conferencing or other such audio- visual means.
- (10) Where the Court considers that granting a party leave to allow a witness give his evidence through live video conferencing will be in the interest of justice and shall not prejudice the other party, the Court may grant the application.
- (11) The equipment required for video conferencing or other virtual hearing shall be provided by the Court or in the absence of such, by the party who desires to use such facilities.
- (12) At the end of Case Management Hearing, the Court shall make such Orders and/or give such direction(s) on issues as it deems necessary, to give effect

to the overriding objective of the ACJA and these shall constitute the roadmap for conducting the remaining part of the trial.

- (13) The Case Management Orders or Directions of the High Court may include the following:
- (a) issues identified and narrowed for trial;
 - (b) evidence agreed by parties and admitted by court;
 - (c) evidence disagreed by parties and to be proved at trial;
 - (d) witnesses to be called by parties;
 - (e) time allowed for parties to present their evidence;
 - (f) time allowed for parties to cross examine witnesses;
 - (g) Order for parties to file written deposition on oath of the testimonies of their witnesses in the matter; and
 - (h) Applications and objections raised and dates fixed for hearing same.
- (14) Case Management Hearing shall be concluded within Ten (10) days of its commencement.
- (15) No Application, which should have been taken at the Pre-trial stage, shall be entertained during the Hearing except where the Court is of the opinion that the facts and circumstances of the Application are such that did not exist at the Pre-trial Hearing stage.
- (16) In ensuring proper case management, the Court's Registrar shall, where a person is entitled or required to attend a hearing, give Seven (7) days or as is reasonably practicable to that person, and that person's custodian (if any) and where the Court gives directions, promptly make a record available to the Parties.
- (17) A defendant is at liberty to frontload his defence during the pre-trial stage.

ARTICLE FOURTEEN

14. Referral of Cases for Mediation

- (1) The Court may at the request of the Prosecution refer a criminal matter that is pending for amicable settlement between the Victim, Defendant and their Relatives.
- (2) The Mediation may be facilitated by:
- (a) the Mediation Centre of the Abuja Multi-door Courthouse;
 - (b) the Nigerian Custodial Service; or
 - (c) any other institutions or organisations offering mediation services.

PART 6

DISCLOSURE OBLIGATIONS IN CRIMINAL TRIALS

ARTICLE FIFTEEN

15. Disclosure obligations

- (1) Disclosure obligations shall apply in all criminal proceedings at the High Court.
- (2) The Prosecution shall disclose by serving on the Court and Defendant any material it intends to rely on which shall include:
 - (a) extra judicial statement of the Defendant(s);
 - (b) witness depositions on oath;
 - (c) documents; and
 - (d) expert opinions that the Prosecution may wish to rely on during the trial.
- (3) The Prosecution shall also disclose to the Defendant any material in the Prosecution's possession that either supports a defence put up by the Defendant or which exculpates him from liability.
- (4) Where a defendant enters a plea of "Not guilty" or the Court records a plea of "Not guilty" for the Defendant, the Defendant may elect to disclose the material he intends to use in his defence.
- (5) A Defendant shall disclose the defence he intends to rely on within 14 days after the close of the Prosecution's case:
 - (a) if the Defendant intends to enter his defence; or
 - (b) after a no case submission has been overruled by the Court and the Defendant is called upon to enter his defence, without prejudice to the right of the Defendant to decide not to give evidence.
- (6) A Defendant entering his defence shall:
 - (a) frontload witness depositions;
 - (b) documents; and
 - (c) expert opinions that he may wish to rely on during the defence.
- (7) The Defendant may apply to the Court for access to any material in the Prosecution's custody where there is reason to believe that the Prosecution is withholding evidence particularly one that may aid the Defendant's case.
- (8) The application for the Prosecution to disclose shall be by:
 - (a) motion on notice served by the Court on the Prosecution; and
 - (b) shall only be entertained if made before the close of the prosecution's case
- (9) The application made under paragraph (8) shall contain:
 - (a) a description of the material;
 - (b) reasonable cause to show that the Defendant believes that the Prosecution has the material or can obtain the material; and
 - (c) explanation of the importance of such material to the trial.
- (10) The Court may specify the period any material may be disclosed; or vary any direction made under this Article.
- (11) The Court in considering the application under paragraph (8) of this Article may direct that:

- (a) the application be heard in private; or
 - (b) any person who will be directly affected if the material were disclosed should be served with the application.
- (12) The Court shall have regard to the extent to which the disclosed material is contentious before setting a date for day-to-day hearing.
- (13) A person may only use material disclosed by the Prosecution in connection with:
- (a) the case in which it was disclosed;
 - (b) an appeal from the case in which it was disclosed; or
 - (c) any other lawful purpose.
- (14) The Court may initiate contempt proceedings against or otherwise sanction any person who uses the disclosed material in breach of clause (13) of this Practice Direction.
- (15) In addition to other rules governing criminal trial in magistrate courts generally, the following rules shall also apply:
- (a) the rules in this Practice Direction relating to disclosure obligations shall apply subject to such modifications as may be appropriate to ensure fair, efficient and speedy administration of criminal justice.
 - (b) a presiding magistrate shall determine the parameters for the application of the rules relating to disclosure obligations in such trials within the limit of those provisions.

PART 7

ARRAIGNMENT, PLEA GENERALLY AND PLEA BARGAINING

ARTICLE SIXTEEN

16. Plea to Information or Charge

- (1) Where a Defendant appears in court, he shall be called upon to enter the dock unfettered, irrespective of any issue, including but not limited to jurisdiction or plea bargain, unless the court otherwise directs.
- (2) The Information or charge shall be read over and explained to the defendant in the language he understands, by the Registrar or other Officer of the court, to the satisfaction of the Court and he shall be called upon to make his plea.
- (3) Where a defendant refuses to enter the dock to take a plea, a plea of “Not Guilty” shall be entered for him.

- (4) Where the defendant enters a plea of "Guilty", the court shall upon hearing the facts proceed to convict and sentence him in non-capital offence cases.
- (5) Where the defendant enters a plea of "Guilty" to a capital offence, a plea of 'Not Guilty' shall be recorded for him.
- (6) Where the defendant enters a plea of "Not Guilty", or same is entered for him by the court, the matter shall be set down for Case Management Hearing not more than fourteen (14) days under this Practice Direction.
- (7) Where for any reason, it becomes impossible or impracticable to produce a Defendant before the court in person, he may be arraigned from a secure location using any audio-virtual means or such other teleconferencing means approved by the court.
- (8) Where there are multiple counts in the charge, the defendant(s) shall complete the Plea Form (Form 03) in the presence of a legal practitioner or any other person of his choice indicating his plea to the information or charge prior to the arraignment.
- (9) The completed Plea Form 03 shall be filed at the Court: Provided that where a plea form is used to take the plea of a defendant the court shall inquire from the defendant whether his Legal Practitioner explained to him the counts in the alleged offence, whether he understood the counts before appending his signature.
- (10) Where the defendant confirms his plea as contained in the Plea form, the Judge shall record the answer of the defendant (s) in accordance with his Plea Form.
- (11) Where the Defendant informs the court that he has not been served with the information or charge or the plea form or that he has not completed the Plea Form, the Judge may adjourn the case for the Defendant to be served with the Information or Charge and Plea Form.
- (12) The completed Plea form 03 shall be filed in Court before the next adjourned date. Such adjournment shall not be for more than five (5) days.
- (13) Where the Defendant wishes to change his plea from what is contained in the Plea Form, he shall inform the Court the details of the counts to which he intends to change his plea.
- (14) Where the Defendant informs the Court that he wishes to change his plea, the Judge shall record the details of the change as stated by the defendant.
- (15) It shall be the duty of the Prosecution to make the provisions for the audio-virtual equipment to be used at the secured location for arraignment of the defendant(s).
- (16) The court shall not entertain any observation, comment or application from a Defendant(s) or his legal representative unless or until after he has entered a plea to the Information or Charge before the court.
- (17) Where a defendant fails to secure the services of a legal practitioner of his choice, the Court shall after two (2) adjournments not exceeding a total of

30 days, refer the matter to the Legal Aid Council of Nigeria, Office of the Public Defender, Nigerian Bar Association or any other bodies or persons rendering free legal service for legal representation, etc.

- (18) Where a legal practitioner on record representing a defendant absents himself from proceedings without any reasonable cause, the Court may proceed with the hearing of the matter after giving the Defendant a maximum of two (2) adjournments to secure the services of another legal practitioner, or if the trial involves a capital offence the Court may appoint another legal practitioner to represent the Defendant.
- (19) Upon arraignment, the court shall consider the application of any appropriate restorative justice mechanism in the best interest of the State, Defendant, and the Victim.

ARTICLE SEVENTEEN

17. Plea bargaining

- (1) Where plea bargain is considered, the Court shall be guided by the Administration of Criminal Justice Act and the Rules of Court outlining the role of the Court in the plea-bargaining process.
- (2) After arraignment the Judge or Magistrate shall inform parties and counsel in general terms of the plea bargain provisions as contained under the ACJA.
- (3) The Presiding Judge or Magistrate shall adjourn for trial or hearing of any pending application. In fixing trial dates, the Presiding Judge or Magistrate shall give sufficient time for exploration of the plea bargain option.
- (4) Parties shall render a report of their decision with respect to the plea bargain option on the first day of trial.
- (5) Where a plea agreement is reached between the Parties the Prosecution shall cause to be filed in court, the Agreement as contained in Form 05 (Plea bargain agreement) of the Schedule to this Practice Direction (as may be modified) and an amended Charge or Information.
- (6) The Presiding Judge or Magistrate shall confirm from the Defence Counsel that he has discussed the implications and consequences of the Plea Agreement with the Defendant(s).
- (7) The Presiding Judge or Magistrate shall confirm from the Defendant(s) his readiness to change his plea from “not guilty” to “guilty” on the Amended Charge or Information.
- (8) The Presiding Judge or Magistrate shall ascertain a verbal response from the Defendant(s) to the questions taken on oath as contained in Form 05A (Plea Bargain Checklist) of the Schedule to this Practice Direction.
- (9) The Court having ascertained through questions addressed to the Defendant the following:

- (a) that the Defendant is fully competent and capable of entering an informed plea;
- (b) the Defendant is aware of the nature of the Amended Charge/Information and the consequences of his plea;
- (c) that the Defendant has admitted the allegations in the Charge to which he wants to plead "guilty"; and
- (d) that the plea agreement was made voluntarily and without undue influence and is supported by an independent basis in facts containing the essential elements of the offence charged,

Shall then call upon the Prosecution to review the facts of the case

- (10) If the Judge or Magistrate is satisfied that the Defendant is guilty of the offence to which he has pleaded "guilty" and that the facts as reviewed supports the Charge, the Court would convict the Defendant(s) accordingly.
- (11) Where a defendant (s) has been convicted, the Presiding Judge or Magistrate shall consider the Sentence agreed upon in the Agreement and take all other steps as provided under the ACJA.

PART 8 MOTIONS GENERALLY

ARTICLE EIGHTEEN

18. Motion

- (1) Where an Application is required to be made to the Court in writing, such Application shall be accompanied by:
 - (a) an Affidavit;
 - (b) all Exhibits; and
 - (c) a Written Address in support of the Application.
- (2) Where the Respondent intends to oppose the Application, the Respondent shall within Seven (7) days of service of the Application file:
 - (a) a Counter Affidavit;
 - (b) all Exhibits; and
 - (c) a Written Address or a Reply.
- (3) The Applicant may file a Reply within three (3) days from the date of Service.
- (4) No Party may serve a Notice of an Application or a Reply on the other Party on the date scheduled for Hearing.
- (5) All Processes or Correspondences to the Court shall be assessed and paid (where applicable), duly filed and served where service is required.

- (6) To ensure speedy dispensation of justice, the Court may use electronic mail and other means of communication to inform legal practitioners of urgent court and case events. Legal Practitioners shall indicate their physical office addresses within jurisdiction, phone numbers, and email addresses on processes filed.

PART 9

TRIAL, ELECTRONIC AND VIRTUAL HEARING OF PROCEEDINGS

ARTICLE NINETEEN

19. Trial

- (1) The hearing of criminal cases shall proceed on the scheduled dates and the Court shall give priority to cases of corruption, financial crimes, capital offences, rape, defilement, domestic violence, human trafficking and violent crimes.
- (2) After a plea of not guilty has been taken or entered for the Defendant and at the conclusion of the Case Management Hearing, the Prosecution shall open the case against the Defendant stating in brief, by what evidence he expects to prove the guilt of the Defendant.
- (3) Only the witnesses listed on the Case Management Form 06 and Proof of Evidence shall be called in evidence, but where during the course of the trial, it becomes evident that the testimony of an identified and available witness is required in the interest of justice or the evidence of such a witness could materially affect the outcome of the case in relation to genuinely disputed relevant issues, the court may grant a period not exceeding Five (5) working days or as may be convenient to the court, within which to hear the testimony of such witness.
- (4) At the trial, witnesses may give further oral evidence in addition to their written statements adopted by consent at the Case Management Hearing and will be cross examined on them.
- (5) A prosecutor who seeks to rely on a confessional statement allegedly made voluntarily by a Defendant shall, while presenting the prosecution's case adduce evidence to show the voluntariness of the said statement.
- (6) A Defendant who seeks to object to a confessional statement allegedly gotten involuntarily shall, while presenting his defence to the case adduce evidence to show the involuntariness of the said statement.
- (7) Any objection to the admissibility of confessional statement shall be recorded and shall be ruled upon by the court while delivering judgment in the substantive case.

- (8) The Prosecution shall then examine the witnesses for the Prosecution who may be cross-examined by the Defendant or his Legal Representative and thereafter re-examined by the Prosecution, where necessary.
- (9) The hearing of cases shall be scheduled on a day-to-day basis as far as the schedule of the Court may permit.
- (10) Except where the Court for good reason allows otherwise, all witnesses shall be present in Court on all such days until their evidence is heard.
- (11) It shall be the duty of the Prosecution to ensure that the Defendant, who is in custody is present in Court at all Hearings.
- (12) Where the Defendant is on bail, it shall be the duty of the Legal Practitioner and surety(ies) to ensure that the Defendant is present in court at all Hearings.
- (13) Where a prosecuting counsel or legal practitioner for the defence for whatever reason will be absent from court, such legal practitioner shall ensure that another legal practitioner will be present in court to hold his brief and be sufficiently ready to proceed with the hearing of the case on his behalf.
- (14) A petition or an application for the transfer of a case shall not act as a stay of proceedings unless there is a specific direction or order for the transfer of the case.
- (15) Where the Court is unable to proceed with any scheduled conference or hearing, the registrar of the Court shall notify the parties in advance by the fastest means available.
- (16) Where a trial Judge/Magistrate is on transfer, such Judge/Magistrate shall continue to hear and determine all pending criminal cases that are at advanced stages or part-heard.
- (17) A case shall be considered as at an advanced stage if the prosecution has called at least three witnesses out of the total number of witnesses listed, closed its case or the case is for defence.

ARTICLE TWENTY

20. Virtual Hearing Procedure

- (1) The Court in the application of the provisions of this Practice Direction may conduct its proceedings virtually where it deems fit by virtual hearing which shall be by means of:
 - (a) any audio-visual; or
 - (b) teleconferencing platform approved by the Court,the link of which may be provided to enable the public observe the virtual proceedings.
- (2) Where the Court adopts virtual hearing procedure for any proceeding, the Registrar shall notify the Parties and any authority in custody of the Defendant not less than 48 hours before the date fixed for the virtual hearing of the case.

- (3) The presiding Judge or Magistrate and Counsel appearing in the proceedings shall be formally dressed as they would have, if the proceedings were conducted physically and in-person.
- (4) All rules and practices on decorum and etiquette during physical or in-person's hearing shall be observed at virtual hearings.
- (5) Cases for virtual hearing shall be stated on the Cause List of the Court by the Registrar and may be posted on the Official Website and Notice Board(s) (manual or electronic of the Court), and shall be communicated to the Parties as stated in paragraph (2) of this Article above, either by email or any other electronic means as the Court may direct.
- (6) It shall be the duty of the Court to give directives on the conduct of virtual hearing in any proceeding which shall be in accordance with any relevant law and this Practice Direction.
- (7) In furtherance of paragraph (1) of this Article, the legal practitioners and parties in a matter, shall furnish the Court Registrar with their phone numbers, WhatsApp numbers, and email addresses: Provided that any notice or information needed to be disseminated through any of the aforesaid media, shall be given at least forty-eight (48) hours before the date scheduled for such matter by the Court.
- (8) Legal Practitioners shall be required to complete Form 04 (Particulars of Legal Practitioner) and file immediately after arraignment.
- (9) Where the Court is unable to sit, electronic mail or WhatsApp and all other forms of messaging may be employed to give notice to Legal Practitioners or unrepresented parties.
- (10) Where a Court conduct its proceedings virtually, such shall be recorded and shall form part of the records of proceedings for that case.
- (11) Where a party, counsel, or witness with disability requires special assistance or adaptive equipment to participate in a virtual proceeding, the Court shall provide or facilitate such support to ensure effective participation.

ARTICLE TWENTY-ONE

21. Objection to Voluntariness of Confessional Statement

- (1) Where a defendant intends to object to the admissibility of a confessional statement during trial on the ground that such statement was not made voluntarily, he shall file and serve on the prosecution not later than 7 days before the commencement of trial or at such a later date as the court may permit, file a Notice of Objection to Voluntariness of Confessional Statement Form 02 in the First Schedule) to this Practice Direction.

- (2) The prosecution shall as part of its case, proceed to call witnesses who shall adduce evidence to prove that the statement was made voluntarily.
- (3) The defendant shall during his defence, and as part of his defence, call witnesses and adduce evidence in proof of the fact that he did not make the confessional statement voluntarily.
- (4) At the conclusion of the trial, the Defence and the Prosecution shall in their final addresses also proffer legal arguments on the admissibility or otherwise of the confessional statement.
- (5) The presiding Judge or Magistrate in his final judgement, shall first rule on the objection to admissibility or otherwise of the confessional statement.

ARTICLE TWENTY-TWO

22. No application for Stay of Proceedings

- (1) Stay of trial proceedings on account of an interlocutory application or appeal is prohibited.
- (2) Delivery of Ruling on any interlocutory matter shall be done at the time of judgment on the substantive matter.

ARTICLE TWENTY-THREE

23. Trial in Absentia

- (1) Where a defendant who has been granted bail, or having due notice of his trial date, fails without reasonable explanation to attend or refuses to attend court for his trial, and a summons and/or warrant as the case may be, has been issued to compel his attendance without success, the trial shall continue in his absence and judgment entered unless the court sees reason otherwise:
Provided that proceedings in the absence of the Defendant shall take place after two consecutive adjournments or as the Court may deem fit.
- (2) Upon conviction, the Court shall impose a sentence notwithstanding the absence of the Defendant:
Provided that the sentence shall not commence until the apprehension or surrender of the Convict to the Nigerian Custodial Service.

ARTICLE TWENTY-FOUR

24. No Case Submission

- (1) At the close of the case of the Prosecution, the Defendant may:

- (a) address the Court by filing a No Case Submission within fourteen (14) days and;
 - (b) the Prosecution may file a Reply within seven (7) days from the date of service of the No Case Submission.
- (2) The Defendant may file a Reply on Points of Law within five (5) days from the date of service of the Prosecution's Reply.
- (3) Written Address generally under this Article shall not exceed ten (10) pages, except where the Court otherwise directs.
- (4) Reply on Points of Law generally under this Article shall not exceed five (5) pages except where the Court otherwise directs.
- (5) The Parties shall on the direction of the Court furnish the Court with soft copies of their Written Addresses.

ARTICLE TWENTY-FIVE

25. Final Written Address

- (1) At the conclusion of trial, the:
 - (a) Defendant may file a Final Written Address within twenty-one (21) days from the close of evidence;
 - (b) Prosecution may also file a Final Written Address within twenty-one (21) days from the date of service of the Defendant's Final Written Address;
 - (c) Defendant may file a Reply on Points of Law within (7) days from the date of service of the Prosecution's Final Written Address; and
 - (d) Court may abridge or extend the time for the filing of final written addresses.
- (2) Final Written Address under this Rule shall not exceed twenty-five (25) pages, except where the Court otherwise directs.
- (3) Reply on Points of Law under this Rule shall not exceed ten (10) pages except where the Court otherwise directs.
- (4) The Court shall have the power to dispense with the filing of Written Addresses where the interest of justice so demands for unrepresented parties.
- (5) All written addresses referred to in this Practice Direction, may be filed manually or electronically in clear and legible Portable Document Format (PDF).
- (6) Where the Rules of Court permits, written addresses may be printed on White Opaque A4 size Paper, font size 14 (Times New Romans or Tahoma), and set out in Articles numbered serially.
- (7) Each Party shall:
 - (a) file as many copies of the Written Address as per the number of the Parties in the particular case; and
 - (b) be entitled to not more than five (5) minutes for adumbration, if granted by the Court.

ARTICLE TWENTY-SIX

26. Award of Costs against Legal Practitioner or Prosecution

To ensure compliance with the ACJA:

- (a) the Court may award Cost at any stage of the Proceedings with or without an application by any of the Parties;
- (b) the Court may on Application vary any order made pursuant to clause (a) of this Article;
- (c) the Court may require the assistance of any other competent authority or person in determining the Cost to be paid under this Article;
- (d) where the Court makes an order for the payment of cost, the amount shall be sufficiently reasonable to compensate the recipient for cost incurred;
- (e) nothing shall prevent the Court from making an order for:
 - (i) a proportion of that amount;
 - (ii) a stated amount less than that amount;
 - (iii) cost from or until a certain date only;
 - (iv) cost relating only to particular steps taken; or
 - (v) cost relating only to a distinct part of the Case.
- (f) In determining quantum of cost, the Court shall consider:
 - (i) the conduct of all the Parties;
 - (ii) the time spent on the Case; and
 - (iii) any direction(s) or observation(s) made by the Court; and
- (g) an order for the payment of cost takes immediate effect, unless the Court directs otherwise.

ARTICLE TWENTY-SEVEN

27. Costs Against Legal Practitioner- "Wasted Costs"

- (1) Where costs are incurred as a result of an improper or negligent act or omission on the part of a legal practitioner and the Court considers it unreasonable to impose liability on the party being represented by that legal practitioner, the Court may award wasted costs against the legal practitioner.
- (2) Wasted costs order may be made:
 - (a) where a legal practitioner by his act or omission is unable to move on with his case;
 - (b) where a legal practitioner by his act or omission has caused substantial and unjustifiable delays to trial; or
 - (c) where a legal practitioner by his act or omission causes any such other event that the Court deems irrelevant and have caused substantial damage to the progress or outcome of the trial.
- (3) The Court may order the legal practitioner to meet the whole or any part of the wasted costs.

- (4) The Order may be made against any person exercising a right of audience or a right to conduct litigation.
- (5) The Court shall specify the act or omission for which such order is being made and the amount of the wasted costs ordered.
- (6) Before making the Order, the Court shall allow the legal practitioner and any party to the proceedings to make representations.
- (7) In making the Order, the Court may take into account any other orders for costs and may take the wasted costs order into account when making any other order as to costs.
- (8) The Court may postpone the making of a wasted costs order to the conclusion of the case if it appears more appropriate to do so.
- (9) A wasted costs order may be made regardless of the fact that the Defendant is legally aided.
- (10) A legal practitioner against whom a cost order has been made may apply to the Court that made the Order to vary or set aside the Order within a period of 7 days from the date of the Order or as may be extended by the Court.

ARTICLE TWENTY-EIGHT

28. Cost against Third Party

- (1) The Court may make a third-party costs order if there has been serious misconduct (whether or not constituting a contempt of court) by a third-party and the Court considers it appropriate, having regard to that misconduct, to make a third-party costs order.
- (2) The Court may make a third-party costs order at any time during the proceedings and shall hear the Parties and the third-party before making an order.
- (3) A third-party costs order may be made on the application of any party, or by the Court *suo motu*.
- (4) In making a third-party costs order, the Court may take into account any other order as to costs in respect of the proceedings.
- (5) Where the Court is considering making a third-party cost order *suo motu*, the appropriate officer shall serve notice in writing on the third-party and any other party.
- (6) An application for third-party costs shall be in writing and contain the name(s) and address(es) of the applicant(s), the other parties and the third-party against whom the Order is sought, together with a summary of the facts upon which the Applicant intends to rely, including the details of the alleged misconduct of the third-party.
- (7) The Court may proceed with the hearing of the application in the absence of the third-party, and of any other party where satisfied that the party has been duly served with the notice by the appropriate officer, and with a copy of the application.

- (8) The power to make a third-party costs order may extend to- making such an order against a Government Department where there has been serious misconduct or negligence.
- (9) A third party against whom a costs order has been made may apply to the Court that made the Order to vary or set aside the Order within a period of 7 days from the date of the Order or as may be extended by the Court.

PART 10
PAYMENT OF COMPENSATION, CUSTODIAL AND NON-CUSTODIAL
SENTENCING

ARTICLE TWENTY-NINE

29. Payment of Compensation

- (1) Pursuant to the provisions of the ACJA on the issue of Compensation, where the demanded Compensation is:
 - (a) liquidated or not in dispute, the Court may award same; and
 - (b) not liquidated or in dispute, the Court shall resort to Section 320 of the ACJA.
- (2) Where a Court imposes a sentence that includes the payment of monetary compensation by a convict, the sentence may include the options of community service or such other orders as the Court may deem fit to make in the circumstances.
- (3) Where a convict is unable to pay a court ordered compensation to a victim due to ascertainable financial constraint, the Court may direct the payment to the Victim of compensation from any available victim compensation trust fund.
- (4) An individual who has completed his sentence but is unable to pay the Court ordered victim compensation, may be required to perform community service.
- (5) The wages earned from his service shall be repayable to the Victim Compensation Trust Fund as may be established.

ARTICLE THIRTY

30. Community Sentence

- (1) A court may, with or without conditions, sentence the Convict to perform specified service in his community or any other place as the Court may direct.
- (2) The operations and functions of Community Service Centres shall be in accordance with the provisions of the ACJA and the Nigerian Custodial Service Act or any other relevant law.

- (3) The Court in exercising its powers shall consider whether such order is consistent with the:
 - (a) decongestion of the custodial facilities;
 - (b) rehabilitation of offenders by engaging them productively; and
 - (c) need to keep separate persons convicted for minor offences from persons convicted for serious offences or who are hardened criminals.

- (4) A community sentence order may be imposed in any of the following circumstances;
 - (a) damage to property;
 - (b) benefit fraud;
 - (c) assault without grievous bodily harm;
 - (d) where the Court is of the opinion that non-custodial sentence would be more effective in the circumstance; or
 - (e) where a person is a first-time offender and has committed a minor offence.

- (5) In imposing community sentences, the Court shall consider the physical and mental condition of the offender, and ensure that persons with disabilities are assigned community service compatible with their abilities and that reasonable accommodations are provided.

- (6) In issuing a community sentence order, the Court may impose additional measures which may include:
 - (a) restricting the offender to a particular residence or place at certain times or maintaining a 'curfew';
 - (b) ordering the Offender to wear an electronic tag to ensure compliance with the sentence;
 - (c) barring the Offender from going to certain places or areas including the place of abode or work of a victim; or
 - (d) barring the Offender from taking part in certain activities, such as visiting a bar, children community centre or activities likely to threaten the safety of other people.

- (7) An offender who has completed his sentence but is unable to pay the Court ordered victim compensation may be required to perform community service, agricultural service or other forms of services that benefit the Government, a designated private entity or person.

- (8) The Wages earned from his service shall be payable to the Victim Compensation Trust Fund.

ARTICLE THIRTY-ONE

31. Parole

- (1) The objectives of parole shall be to grant conditional or unconditional release to a prisoner who had exhibited:
 - (a) good behaviour; and
 - (b) has served at least one-third of his sentence term,where he is sentenced to imprisonment:
 - i. for a term of at least 15 years; or
 - ii. to life imprisonment.
- (2) The Court shall within 30 days of receiving the Report from the Comptroller-General of Corrections, schedule a hearing referred to under section 468 of the ACJA, for consideration of the parole.
- (3) The Prosecution and the Convict or his Legal Practitioner shall be given not less than fourteen (14) days' notice before the date fixed for hearing.
- (4) The Court may, after hearing the Prosecution and the Convict or his Legal Practitioner, order that the remaining term of his imprisonment be suspended, with or without conditions, as the Court considers fit, and the Convict shall be released from the Custodial Centre on the Order.
- (5) The Court in ordering parole shall direct that the Convict released under clause 4 of this Practice Direction shall undergo a rehabilitation programme for a period of not less than 3 months in a government facility or any other appropriate facility to enable him be properly reintegrated to the society.
- (6) The Court shall direct the Comptroller-General of Corrections to make appropriate arrangement for the facility.
- (7) The Court may in special circumstances order that the Convict be taken to a facility where his safety can be guaranteed.
- (8) A parolee shall report and register his attendance at the custodial centre where he was serving sentence or at a place or to a person designated by the Court at least once every month and ensure that he resides within a reasonable distance or as provided for by the Parole Order.
- (9) A parolee may be recalled to serve further terms or have his parole revoked entirely if he breaches any of the conditions in the Parole Order.

PART 11

ADMINISTRATIVE PROVISIONS

ARTICLE THIRTY-TWO

32. Register of Legal Aid Providers

- (1) Pursuant to section 395 of the ACJA, the Chief Registrar shall register any Legal Practitioner or Law Firm intending to provide Legal Aid for Defendants.
- (2) The Register of Legal Aid Providers shall be maintained by the Chief Registrar and published on the website of the Court and all its social media platforms. A copy of the Register shall be made available upon request to the Administration of Criminal Justice Monitoring Committee.

ARTICLE THIRTY-THREE

33. Register of Convicted Offenders

- (1) Every Court shall maintain a Register of persons convicted by the Court, which shall contain the following:

- (a) his full name, occupation, gender, residential and permanent addresses;

and

- (b) for the purpose of identification, his:

- i. height;
 - ii. passport photograph;
 - iii. full fingerprint impressions;
 - iv. Bank Verification Number;
 - v. telephone number; and
 - vi. other means of identification.

- (c) other personal details of the Convict in conformity with Form 07 (Particulars of entry in register of convicted offenders) referred to in the Second Schedule; and
 - (d) sentence imposed by the Court.

- (2) The Registrar of every court shall transmit the certified copies of Form 07 (Particulars of entry in register of convicted offenders) in the Second Schedule referred to in clause 1 of this Article to the Chief Registrar quarterly.
- (3) The Chief Registrar shall keep and maintain electronic and physical registers of Records referred to in clause (2) of this Article and the register shall be made publicly accessible.
- (4) The Chief Registrar shall where the person convicted is a Corporate Body forward a certified copy of the Extract of the Judgement to the Corporate Affairs Commission.
- (5) Where the Chief Registrar fails, neglects or refuses to comply with the provisions of this Practice Direction, he shall be liable to disciplinary measures or misconduct proceedings.

- (6) Certified copies of such entries shall upon payment of a prescribed Fee be made available to the Legal Practitioner, the Parties or any other person interested.

ARTICLE THIRTY-FOUR

34. Sex Offender Register

- (1) Upon conviction and sentencing of a sex offender, the Registrar of the Court shall forward the particulars of the Convict to the Sex Offender Register domiciled in the office of the Chief Registrar.
- (2) The information in this Register shall be accessible to the public and made available to the office of the Attorney-General of the Federation, ACJMC and other law enforcement agencies.

ARTICLE THIRTY-FIVE

35. Witness Expenses and Support

- (1) The Attorney-General or the Chief Judge shall establish a Witness Expenses and Support Unit and make necessary budgetary allocation for the Unit.
- (2) The Prosecution shall certify appearance of any person as a Witness for each day the Witness appears, indicating on an Expense Claim Form, the sum due for travel costs and other-expenses as prescribed under the Scale of Travelling Expenses for Witnesses in Form 010 in the Third Schedule to this Practice Direction.
- (3) The Witness Support Unit shall process and pay to the Witness directly and before the next adjourned date, the amount prescribed in the Expense Claim Form.
- (4) Where a Person attends court as a prosecution witness, the Witness shall be entitled to payment as prescribed under the Expense Claim Form.
- (5) Where a witness has appeared in court to testify but fails to do so on account of an application by a party for adjournment, the Witness Expense for such appearance shall be payable by the Party applying for the Adjournment on or before the next adjourned date.
- (6) The sum payable to such a witness referred to in clause (4) shall be in accordance with the amount prescribed under Form 6 (Case Management Information Form) in the Third Schedule to this Practice Direction or as may be approved by the Attorney-General of the Federation in exceptional circumstances.
- (7) A person accompanying a minor, physically challenged, visually impaired or vulnerable witness, shall also receive a sum equivalent to the expense of the Witness.
- (8) Witness for the Defence may be reimbursed for travel cost and expenses as prescribed under Form 010 (Scale of Travelling Expenses for Witness) in the

Third Schedule to this Practice Direction or as may be approved by the Chief Judge in exceptional circumstances.

- (9) The Witness Support Unit shall be in charge of:
- (a) payment of reasonable expense to witnesses for their expenses as prescribed under the Scale of Travelling Expenses for Witnesses in Form 010 in the Third Schedule to this Practice Direction;
 - (b) Providing support and assistance to witnesses by:
 - i. creating public awareness about their responsibilities and obligations;
 - ii. providing clear and timely communication about hearing dates, times, and locations;
 - iii. providing access to waiting areas separate from parties to the case where necessary; and
 - iv. providing assistance with understanding court procedures and expectations.
- (10) Witnesses shall complete and submit a claim form provided by the Court Registry, supported by receipts or other evidence of expenses.
- (11) Payments shall be processed and paid to the witness to facilitate the witness attendance in court and the witness return on the next court date.
- (12) The Prosecution shall facilitate the witness to process the payment for witness expenses.
- (13) The Chief Judge shall establish in the Court Registry a Witness Support Unit to ensure that witnesses are assisted and protected as may be required.

ARTICLE THIRTY-SIX

36. Register of detention facilities

- (1) The Chief Magistrate in charge of a magisterial district shall maintain a register of detention facilities in the District.
- (2) The Register shall contain the location; inmate capacity, actual number of inmates and such other details as may be prescribed by the Chief Judge.
- (3) In giving effect to section 34 of the ACJA, the Visiting Magistrate shall have the powers to:
- (a) call for, and inspect the records of arrest;
 - (b) direct arraignment of a suspect;
 - (c) grant bail to any suspect where appropriate if the offence for which the Suspect is held, is within the jurisdiction of the Magistrate; or
 - (d) make recommendation for arraignment of suspects in respect of offences which the Magistrate has no jurisdiction.
- (4) The person in charge of a detention facility shall make available to the Visiting Magistrate:
- (a) the full record of arrest and record of bail;
 - (b) applications and decisions on bail made within the period; and

- (c) such other information that the Visiting Magistrate may require.
- (5) A Visiting Magistrate shall prepare a report that conforms to Form 08 (Detention Centre Report Form) in the Second Schedule to this Practice Direction and forward that report to the Chief Judge and copy the:
- (a) Chief Magistrate in charge of the District;
 - (b) Administration of Criminal Justice Monitoring Committee;
 - (c) person in charge of the detaining facility visited; and
 - (d) other heads of detaining agencies within the FCT.
- (6) The Chief Judge shall make adequate administrative arrangements for logistics, funding and security for designated Magistrates to enable them effectively discharge their obligation to visit and inspect police stations and for Judges to visit other places of detention within their jurisdiction monthly.
- (7) Where in the course of the visit, the Judge or Magistrate discovers that a child is held in an adult custodial facility, police station or detention place, the Judge or Magistrate shall in exercise of its inherent powers make appropriate orders for the removal and transfer of such a child and may require the detaining authority to show cause why the child shall not be released either unconditionally or upon reasonable terms.
- (8) The Report of the visitation and inspection shall be forwarded to the appropriate authority and ACJMC for review, analysis and necessary remedial action.

ARTICLE THIRTY-SEVEN

37. Bail bondsperson

- (1) The Chief Judge may license an individual or a corporate body under section 187 of the ACJA.
- (2) The License shall be valid for a period of 3 years, renewable upon satisfactory performance.
- (3) A bail bondsperson in the case of an individual shall:
 - (a) be a citizen of the Federal Republic of Nigeria;
 - (b) be at least 21 years of age;
 - (c) be residing within the jurisdiction of the Court;
 - (d) complete a pre-licensing course to become a bail bondsperson;
 - (e) possess sufficient resources to meet all surety obligations;
 - (f) not have been convicted of a felony or crime;
 - (g) authorize the completion of a criminal background check and pay any associated costs; and
 - (h) such other requirements as the Chief Judge may direct.
- (4) A body corporate shall meet the following qualification:
 - (a) have its registered office within the jurisdiction of the Court;

- (b) file with the Registry of the Court, Power of Attorney, designating and authorizing the named agent of such body corporate to execute bail bonds and present a copy of the said Power of Attorney certified by the Registry of Court;
 - (c) possess sufficient resources to meet all surety obligations;
 - (d) not have been convicted of any offence;
 - (e) authorize the completion of a criminal background check of the Directors and Shareholders and pay associated costs;
 - (f) any Body Corporate authorized by law to act as a surety under clause 1, shall be required to meet the applicable conditions prescribed in clause (6) (i), (ii), (iii), (vi), (vii) and Article 7 of this Practice Direction before being acceptable as surety on a bail bond.
- (5) The following persons or classes of persons shall not be eligible to be licensed as bail bondspersons:
- (a) serving police personnel or any personnel of paramilitary services; and
 - (b) serving military personnel.
- (6) An applicant for registration as a bondsperson shall submit the following:
- (a) an application in the prescribed Form 09 (Application for registration of bondsperson) of the Second Schedule;
 - (b) evidence of payment of prescribed application fee;
 - (c) passport photograph of the Applicant;
 - (d) birth certificate/age declaration;
 - (e) name, address, phone number and NIN;
 - (f) clearance of a criminal background check;
 - (g) proof of citizenship;
 - (h) for corporate bodies:
 - (i) passport photograph of each director;
 - (ii) name, address, phone number and NIN or other means of identification of each of director;
 - (iii) certificate of incorporation with the Corporate Affairs Commission; and
 - (iv) tax clearance certificate not less than three (3) years preceding the date of application.
- (7) In addition to the requirements of clause (6) of this Practice Direction:
- (a) all applications shall be made to the Chief Judge of the High Court of the Federal Capital Territory, Abuja;
 - (b) a minimum of ₦10, 000, 000. 00 (Ten Million) Naira bank guarantee for individuals and ₦20,000,000.00 (Twenty Million) Naira bank guarantee in the case of body corporate must be produced;
 - (c) a bondsperson shall have real or other property to pledge as security acceptable to the Chief Judge;

- (8) the duties of a bondsperson shall include:
- (a) to ensure that the Defendant attends every court date;
 - (b) ensure that an absconding defendant is arrested and handed over to the Police.
- (9) Where an absconding defendant is arrested during the weekend or it is impracticable to take the Defendant to court within 12 hours, the bails bondsman shall:
- (a) make all effort possible to hand the Defendant over to the nearest police station;
 - (b) ensure that the Defendant is kept in a safe custody with consideration given to the sex, age, health and wellbeing of the Defendant; and
 - (c) ensure that the Defendant is treated humanely.
- (10) A bail bondsperson shall forfeit the bail bond where the Defendant absconds and cannot be brought before the Court for the continuation of his trial.

ARTICLE THIRTY-EIGHT

38. Sanctions

- (1) Where it is established that a Legal Practitioner breached or encouraged his client to breach any provision of these Directions, the Court may:
- (a) award reasonable costs against the Legal Practitioner personally and such costs shall be recoverable as a fine and no Legal Practitioner with an unpaid fine shall be heard in the same cause and matter;
 - (b) recommend such Legal Practitioner to the Legal Practitioners' Disciplinary Committee (LPDC) for disciplinary action for misconduct under the Rules of Professional Conduct.
 - (c) In the case of a Legal Officer, recommend to the appropriate prosecuting authority for disciplinary action or other misconduct proceedings.
 - (d) Without prejudice to the foregoing, at the end of proceedings, record the misconduct of such Legal Practitioner in the Judgment or Ruling of the Court.
- (2) Where a Complainant(s) or Defendant(s) breaches any provision of this Directions or conducts himself in a manner aimed or tending to frustrate the judicial objectives of this Directions, the Court may:
- (a) award reasonable costs against the Complainants or Defendants and such costs shall be recoverable as a fine;
 - (b) where the Defendant is convicted, such misconduct shall be considered during sentencing, in accordance with the Federal Capital Territory High Court Sentencing Guidelines.
- (3) Where an Officer of the Court breaches the provisions of these Directions or conducts himself in a manner aimed or tending to frustrate the judicial

objectives of this Directions, such officer of court shall be reported to the Chief Registrar to initiate disciplinary proceedings before the Judicial Service Commission.

- (4) Where it is the Chief Registrar that is in breach of the provisions of this Direction, the Chief Registrar shall be liable to disciplinary proceedings or action.

ARTICLE THIRTY-NINE

39. Directions to Administration of Criminal Justice Monitoring Committee (ACJMC)

- (1) The ACJMC shall within 14 days from holding of their periodic meetings share the Report with the Attorney General of the Federation, Chief Judge and any other relevant stakeholder in the administration of criminal justice.
- (2) The ACJMC shall organize capacity building for Judges, Magistrates and law enforcement agencies on the conduct of visitation and inspection of police stations and other places of detention.
- (3) The ACJMC or Federal Ministry of Justice shall organize capacity building for Judges, Magistrates and law enforcement agencies on the implementation of child justice procedures including but not limited to diversion.
- (4) Upon the receipt of the reports of visitation to detention facilities, the ACJMC shall review, evaluate and identify actionable points in such reports for implementation.
- (5) The ACJMC, in evaluating the Reports shall identify for commendation and reward, Judges, Magistrates, or heads of police stations and other places of detention with outstanding performance in the discharge of their obligations in relation to the monthly visitation.
- (6) The ACJMC shall identify individuals and law enforcement agencies who obstruct or refuse to discharge their obligations to cooperate with visiting and inspecting Judges or Magistrates and shall make a formal report to appropriate authorities for necessary sanctions.

ARTICLE FORTY

40. Backlog and Decongestion Committee for Criminal Cases

- (1) The Chief Judge may set up a committee to review and reduce the backlog of cases in the docket of courts handling criminal cases.
- (2) The Committee set up under the preceding paragraph shall make recommendations to the Chief Judge and take such measures, subject to the approval of the Chief Judge to expedite trials, reduce the backlog and decongest the Court docket.
- (3) The Chief Judge may cite or designating courts to sit near custodial centres to decongest the court and address awaiting trial problem.

This Practice Direction shall take effect from the ____ day of _____,
2025

Made at the High Court of Federal Capital Territory, Abuja

SIGNED this — day of — 2025

Chief Judge, — State,
Nigeria.

FIRST SCHEDULE

FORM 01A

SUSPECT INFORMATION FORM

BIOMETRIC DATA

Photograph of Suspect

Fingerprints of Suspect

Right Hand

Thumb

Index Finger

Middle Finger

Ring Finger Little Finger

Left Hand

Thumb

Index Finger

Middle Finger

Ring Finger Little Finger

IDENTIFYING INFORMATION

Surname:.....

First Name:.....

Middle Name:.....

Religion:.....

Other Names/Aliases:.....

Gender:.....

Date of Birth/Age:.....

Place of Birth:.....

Marital Status:.....

No. of children:.....

Nationality:.....

State of Origin/Local Govt.:.....

ID Doc. No.:.....

.....

(e.g., International Passport, NIN, Driver's License,

Language Spoken:.....

CONTACT DETAILS OF SUSPECT

Home/Permanent Address:.....

Office Address:.....

Village:.....

Home Telephone:..... Office Telephone:.....

Email:..... Mobile No:.....

WhatsApp No.:.....

CONTACT DETAILS OF NEXT OF KIN

Home/Permanent Address:.....

Office Address:.....

Village:.....

Home Telephone:..... Office Telephone:.....

Email:..... Mobile No:.....

WhatsApp No.:.....

EMPLOYMENT HISTORY

Current Employment/Occupation:.....

Address of Employee

.....

Job Title..... Office Telephone-

.....
Name and Address of Previous Employers:

1.

2.

3.

PHYSICAL ATTRIBUTES

Height:.....

Build:.....

Weight:.....

Hair:.....

Complexion:.....

Teeth:.....

Facial/Decorative Marks or Scars:.....

Tattoos:.....

Eye Colour:.....

Other Observation:.....

Blood Group:.....

Genotype:.....

FAMILY DETAILS

Name, Address and Phone Number of Spouse(s):

.....

.....

Name, Address and Phone Number of Children:.....

.....

Name, Address and Phone Number of Parents:.....

.....

EDUCATIONAL BACKGROUND

Primary Education:.....

Secondary Education:.....

Vocational Education:.....

Tertiary Education:.....

Degrees Obtained:

Professional Memberships:.....

CRIMINAL RECORD

Previous Convictions Date:.....

(Offence):

Prison Sentences Date:.....

served (Location):

Outstanding Police Investigations:.....

Outstanding Criminal Prosecutions:

.....

CERTIFICATION

I, _____, the arresting officer, certify that the above information is true and that the suspect was informed of his/her rights in accordance with the provisions of Section 15 of the Administration of Criminal Justice Act.

Signature of Officer: _____ Date: _____

Name of Officer: _____ Rank: _____

Witnessed by (if any): _____ Signature: _____

FOR OFFICIAL USE ONLY

File Reference No.: _____

Entered into Central Criminal Record System on: _____

By (Name/Rank): _____

FORM 01B

ARTICLE 11(3)

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

TODAY, THIS.....DAY OF.....20.....

BEFORE:

CHARGE NO. FCT/HC/CR/...../20.....

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA or COMMISSIONER OF POLICE (as the case may be)

PROSECUTION

AND

1.....

2.....

DEFENDANTS

3.....

SURETY'S RECOGNIZANCE FORM

1. Alleged offence(s)
2. PARTICULARS OF SURETY
 - (i) Name:
 - (ii) Residential address:
 - (iii) Occupation:
 - (iv) Business address:
 - (v) Surety relationship with the Defendant:

3. PARTICULARS OF IDENTIFICATION OF SURETY

- (i) Height:
- (ii) 2 (two) recent passport photographs
- (iii) Full fingerprint impressions:

Right Thumb	Right Index	Right Middle Finger	Right Ring Finger	Right Small Finger

Left Thumb	Left Index	Left Middle Finger	Left Ring Finger	Left Small Finger

(iv) Bank Verification No.: Bank:..... Branch

(v) Other means:

ID Card No.: Agency:

NIN.: PVC No.:

International Passport No.:

GSM No.:

(vi) Title document Reg. No.: Type:

4. Confirmation of Title by Land Registry:

(i) Name of Confirming Officer:

(ii) Rank: GSM No.:.....

(iii) Signature: Date:

5. Confirmation of verification of information supplied above:

I,
of the Prosecution in this case hereby confirm that I have
verified the information supplied above. I have no objection and I do hereby
recommend the Surety.

Sign: Date:

My GSM No.:

6. Approved by: (Insert name of Judge or Magistrate)

Date:

.....

Signature/official stamp

FORM 02

NOTICE OF OBJECTION TO VOLUNTARINESS OF CONFESSIONAL STATEMENT

ARTICLE 21

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

TODAY, THIS.....DAY OF.....20.....

BEFORE:

CHARGE NO. FCT/HC/CR/...../20.....

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA or COMMISSIONER OF POLICE (as the case may be)

PROSECUTION

AND

1.....

2.....

DEFENDANTS

3.....

NOTICE OF OBJECTION TO CONFESSIONAL STATEMENT

TAKE NOTICE that the Defendant shall during the trial, object to the admissibility of the “Confessional” Statement on the ground that it was not made voluntarily and/or that it was not made by the Defendant (insert the name of the affected Defendant).

Dated the day of

Filed by:

Name and signature of Legal Practitioner to the Defence

For Service on:

FORM 03

ARTICLE 6

PLEA FORM FOR COURT USE ONLY

ARRAIGNMENT

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

CHARGE NO. FCT/HC/CR/...../20.....

BETWEEN:

**FEDERAL REPUBLIC OF NIGERIA or COMMISSIONER OF POLICE (as the case may be)
PROSECUTION**

AND

1.....

2.....

DEFENDANTS

3.....

INSTRUCTIONS:

(1) Fill out this Form if you want to plead guilty or not guilty.

(2) Read this form carefully. For each item, if you understand and agree with what you read, put your initials in the box to the right of the item.

(3)Keep in mind that the court cannot give legal advice. If you have any questions about anything in this Form, ask your Legal Practitioner.

SECTION 1: PLEA INFORMATION

I, [Defendant’s Full Name], hereby submit my plea to the charges against me as follows:

1. Count 1: _____

Guilty

Not Guilty

2. Count 2: _____

Guilty

Not Guilty

3. Count 3: _____

Guilty

Not Guilty

4. Count 4: _____

Guilty

Not Guilty

[Add more charges if applicable.]

SECTION 2: REPRESENTATION

I have legal representation.

My legal practitioner’s name is: _____

I do not have legal representation but understand my rights to counsel.

SECTION 3: DECLARATION

I confirm that:

- (a) I understand the charges against me.
- (b) My plea is made voluntarily, without coercion or undue influence.
- (c) If pleading guilty, I accept that the court may impose a penalty as deemed appropriate.
- (d) I understand that I have the right to a counsel of my choice to represent me throughout the proceedings. If I cannot afford to engage a legal practitioner, the court will appoint one to represent me.
- (e) I understand that, I have a right to tried within a reasonable time and public trial.
- (f) At the trial, I would be presumed to be innocent, and I could not be convicted unless, after hearing all of the evidence, the judge is convinced beyond a reasonable doubt that I am guilty.
- (g) I understand that I have the right to cross-examine all witnesses testifying against me. This means that the prosecution must produce the witnesses in court, they must testify under oath in my presence, except as permitted by the court, and my counsel may question them.
- (h) I understand that I have the right to remain silent, and my silence cannot be considered as evidence against me. I understand that I also have the right not to incriminate myself, and I cannot be forced to testify.
- (i) I understand that I have a right to present evidence and to have the court issue subpoenas to bring to court all witnesses and evidence favourable to me. I also have the right to testify on my own behalf.

SECTION4: SIGNATURES

Defendant’s Signature: _____

Date: _____

Defence Attorney (if applicable): _____

Signature of Attorney: _____

Date: _____

Jurat

I certify that this Form has been correctly read and interpreted by me from English language to _____ language to the Defendant and I affix my signature hereunder:

Name of Interpreter:

Signature:

Date:

MADE at Abuja thisday of, 2025

FORM 04

ARTICLE 20

PARTICULARS OF LEGAL PRACTITIONER

IN THE COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

CHARGE NO.

BETWEEN

..... **COMPLAINANT.**

AND

..... **DEFENDANT(S).**

1. Name of Lead Prosecuting Counsel: _____

(b) Office Address: _____

(c) Telephone Number(s): _____

(d) Email Address: _____

2. Name of Alternate Prosecuting Counsel (if any):

(a) Office Address: _____

(b) Telephone Number(s): _____

(c) Email Address: _____

3. Name of Defence Counsel: _____

(a) Office Address: _____

(b) Telephone Number(s): _____

(c) Email Address: _____

MADE at Abuja thisday of, 2025

FORM 05

ARTICLE 17

PLEA BARGAIN AGREEMENT

IN THE COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

CHARGE NO. FCT/HC/CR/...../20.....

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA or COMMISSIONER OF POLICE (as the case may be)
PROSECUTION

AND

1..... DEFENDANTS

PURSUANT TO SECTION 270 OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015 AND ARTICLE 17 OF THE ADMINISTRATION OF CRIMINAL JUSTICE PRACTICE DIRECTION, 2025.

1. WHEREAS, the Defendant has been in the custodial custody and/or arraigned since the day of, for the alleged offence(s) of:

- (a) _____
- (b) _____
- (c) _____
- (d) _____

2. The Defendant has willingly and without any form of coercion applied to the Prosecution for a Plea Bargain, pursuant to Section 270 of The Administration of Criminal Justice Act 2015.

3. The Defendant has read or have had read to him by his Counsel the terms of this agreement and has been informed of his Constitutional rights.
4. The Defendant understands the nature of the charge(s) against him and the consequences of his plea and any admission(s) under this plea bargain agreement.
5. The Defendant has met with the Victim (Victim's Representative) of the Alleged Crime and both parties have reconciled their differences.
6. The Defendant has been in detention since the of, to date and has shown sufficient remorse.
7. The Defendant shall perform restitution or compensation to the victim or the victims' family as follows:
 - (a)
 - (b)
 - (c)
 - (d)
8. **IT IS HEREBY AGREED AS PART OF THE PLEA BARGAIN THAT**, the Defendant having plead guilty to the offence(s) above stated in the interest of the public, the victim and the Defendant shall be charged and convicted for the lesser offence(s) of:
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
9. **WHEREOF**, the parties hereby set their hands and seal, the day and year herein written: Dated this day of, 2025.

Jurat

I certify that this agreement has been correctly read and interpreted by me from English language to _____ language to the Defendant and I affix my signature/thumbprint hereunder:

Name of Interpreter:

Signature:

Date:

 Defendant's Signature & Name
 Signature & Name

 Victim/Victim's Representative

 (Defence Counsel's Signature &Name)

Director of Public Prosecutions

Hon. Attorney General and Minister of Justice of the Federation

FORM 05A

PLEA BARGAIN CHECK-LIST

IN THE COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

TODAY, THIS.....DAY OF.....20.....

BEFORE:

CHARGE NO. FCT/HC/CR/...../20.....

BETWEEN:

**FEDERAL REPUBLIC OF NIGERIA or COMMISSIONER OF POLICE (as the case may be)
PROSECUTION**

AND

1.....

2.....

DEFENDANTS

(Court registrar puts the Defendant(s) on oath in the dock)

- (i) What is your full name?
- (ii) How old are you?
- (iii) What is your level of education?
- (iv) Do you understand what is happening here today?
- (v) Do you understand the charge to which you are pleading guilty?
- (vi) Do you know you have the right to continue to plead "not guilty and to continue with the trial of this case. If you choose this option, the prosecution will have to prove its case against you.
- (vii) Are you satisfied with the advice given by your counsel and the terms of the plea bargain?
- (viii) Has your counsel explained to you the contents of the agreement?
- (ix) Do you understand that I am not bound to accept the sentence proposed on the plea bargain agreement? And I could vary same?
- (x) Are you making the plea of "guilty" voluntarily and of your own free will?
- (xi) Has anyone threatened you or forced you to plead "guilty"?
- (xii) Other than the agreement with the prosecution has anyone made any promises to you that caused you to plead "guilty"?
- (xiii) Has anyone made any promise to you as to what your sentence will be?
- (xiv) Is the signature at the foot of the agreement your signature?

Date _____

Authorised by (Name and signature)

Form 06

ARTICLE 13

**CASE MANAGEMENT INFORMATION FORM FOR CRIMINAL TRIALS IN THE
MAGISTRATE AND HIGH COURT**

(Tick/Fill as appropriate)

Parties shall at the Case Management Hearing indicate to the Court:

- (a) all applications in respect of matters to be dealt with before trial but not limited to matters listed hereunder and
- (b) both parties shall provide written answers to the questions contained in this Pre-trial Case Hearing Information Form:

Part 1: to be completed by the prosecutor

Prosecution contact details:

Prosecuting Authority:

Phone Number:

Email:

Offence(s):

.....

1. Date of the first hearing:
2. Is the investigation complete: Yes/ No
3. Do you require that this Information/Charge be consolidated with any other criminal proceedings? If so, give particulars.
4. Do you wish to amend the information/Charge?
5. Is the Defendant on Bail: Yes/No
6. Is the Defendant in Custody? Yes/No (If Yes, Where):

7. Does the prosecution hereby give an undertaking that witnesses and evidence to be relied on will be available when required: Yes/ No
8. Has the Prosecution served upon the Defendant or legal representative(s), copies of all statements, evidence, documentary exhibits and other material it intends to rely on (the proof or evidence(if No, give brief details why): Yes/ No

9. Does the prosecutor intend to serve more evidence on the Defendant and on the court (if Yes, give brief details): Yes/ No
10. The prosecution will rely on:
 - (a) Defendant's Statement in Interview: Yes/ No
 - (b) Expert/ Forensic or Technical Evidence: Yes/ No
 - (c) CCTV: Yes/ No
 - (d) Electronically Recorded Evidence: Yes/ No
11. What equipment or device will be needed in the trial courtroom (Tape / DVD player, Flipchart, Table, etc.)?

Application for Directions

Does the prosecutor want the Court to give any Directions or specify time limits (If Yes, give details): Yes/ No

Part 2: to be completed by Defendant or Defendant's legal representative

Defendant's contact details:.....

Address:.....

Phone:.....

Mobile:.....

Email:.....

Defendant's representative(s) (if applicable). Enter names and details of all counsel in the firm instructed to represent the Defendants). Please continue on another/sheet if required.*

**Where there are multiple counsel representing a Defendant, they are all taken to have requisite professional experience and knowledge of the issues before the court and be sufficiently competent and prepared to diligently conduct the case when called upon to do so.*

Name of Legal Practitioner for the Defendant:.....

Address:..... Office Phone number

Mobile phone:.....

Email:.....

Defendant's Legal Representative to Complete: Legal Aid/Applied for/Privatey Funded

Preliminary Objections and Interlocutory applications

1. Does the Defendant intend to:
 - (a) Raise preliminary objections challenging the jurisdiction of the Court to hear the case? Yes/No
 - (b) File any interlocutory application Yes/No
2. Partial or Different Guilty Plea
 - (a) If more than one offence is alleged, does the Defendant want to plead guilty to any of them (If yes, which offence(s)): Yes/No
.....
 - (b) Does the Defendant propose an alternative way of disposing of or settling the case? Yes/No (If yes, what is proposed?):

.....
(c) Does the Defendant want to plead guilty, but not on the facts alleged (If yes, what is proposed?): Yes/No

.....
(d) Does the Defendant want to plead guilty, but to a different offence? (If yes, what is proposed?): Yes/No

Case management information

Counsel shall consider and comply with Rules of Professional Conduct 2007 (Rules: 15, 30, 32 and 37(3)). Tick as appropriate which of the following is agreed to.

(a) Exhibits and samples were collected and delivered as stated i.e. continuity of custody is agreed (If not agreed, explain what is in dispute) Yes/No

.....
(b) Is the Defendant's statement(s) in interview as written or recorded agreed? (If not agreed, explain what is in dispute and why) Yes/No

(c) Other facts or issues and/or other aspects of the prosecution case which are AGREED must be in written form (Give details):

.....
(d) Have you set out or attached a written admission of all agreed facts? (If no, explain why) Yes/No

.....
(e) What are the DISPUTED issues of fact or law for trial?

.....
(f) Have the Defendant(s) specified in writing the defence it intends to raise at trial? Yes/No

(g) Defendant(s) to specify in writing what points of admissibility or other evidential issues are to be taken at trial:
.....

Application for Directions

Does the Defendant require the court to give any directions or specify time limits? (If yes, give details): Yes/No

.....
Does the Defendant want the court to make any other direction or Order? (If yes, give details):
Yes/No

Part 3: to be completed first by prosecutor, then the Defendant(s) or representative and then Court

Prosecution witnesses - NAMES AND IDENTITY OF WITNESSES SHALL NOT BE DISCLOSED WHERE SPECIAL MEASURES APPLY OR WITNESS PROTECTION MEASURES ARE APPLIED FOR.

IN SUCH CIRCUMSTANCE MARK AS "X", "Y" E.T.C]

Prosecutor to complete

Name of witness

Under 18: Yes/No

Attendance proposed

Defendants to complete

Can the evidence be agreed and read to the court? Yes/No

If no, what disputed issue in the case makes it necessary for the witness to give evidence in person?.....

For the Court? Attendance justified

Prosecution to Complete (If yes, give details)

(a) Does the prosecution require special measures or witness protection for a witness?

Yes/No

(b) Does any witness need an interpreter? (If yes, in what language?)

Yes/No

Defence Witnesses

Defendant to complete

(c) Is the Defendant likely to give evidence?

Yes/No

(d) How many other defence witnesses are likely to give evidence in person?

.....

(e) Does the Defendant require Special Measures to assist a defence witness? (If yes, give details)

Yes/No

.....

(f) Will the Defendant or any defence witness require an interpreter? (If yes, in what language?)

Yes/No

.....
Signatures

Prosecution

Defendant/Defendant's Counsel

Signed:.....

Signed:.....

Date:.....

Date:.....

Part 4: Court Directions for Trial

The court expects those prosecution witnesses to give evidence in person whose names it has listed above.

The court expects the evidence of other prosecution witnesses listed above to be read.

Witness (summons/subpoena) granted for the following witness(es):

Name:.....

Interpreter in language:.....

For:.....

Arranged by: specify court, prosecution or defence

Prosecution witnesses:

Defendant:.....

Defence witness(es):

Evidence by live link: Yes/No

Evidence in private: Yes/No

Video recorded interview as evidence in chief: Yes/No

Other arrangements for Defendant or witnesses (specify):

Standard case preparation time limits apply as follows:

.....

Other directions:

Arrangements for hearing

Trial Date:

Time:

Court:

Time estimate:

A detailed trial timetable may be required

Name of Judge.....

Signed:

SECOND SCHEDULE

FORM 07

ARTICLE 33(1)(a)

PARTICULARS OF ENTRY IN REGISTER OF CONVICTED OFFENDERS

Name of Convict:

Date of Birth:

Last Known Address:

State of Origin:.....

Local Government:

Nature of Offence Committed:

Has the Convict been convicted previously of any offence? (if yes, give further details of nature of sentence:

.....
.....
.....

Detention Facility:

Previous Detention Facility (where applicable)

Nature of Sentence (Custodial/non-custodial):

Duration of Custodial Centre Term Number (Months/Years), if applicable

.....

Number of Months/Years served:

Year Eligible for Parole (if applicable):

What Type of Rehabilitation Programme is convict engaged in?

.....
.....
.....
.....

Estimated Date of Release (where applicable)

Particulars of Full Fingerprint Impression of Convicted Offender

Signature/Official Stamp Estimated Date of Release: Particulars of Full Finger:

Right Thumb	Right Index	Right Middle Finger	Right Ring Finger	Right Small Finger

Left Thumb	Left Index	Left Middle Finger	Left Ring Finger	Left Small Finger

Date _____

Authorised by (Name and signature)

FORM 08

ARTICLE 36(5)

DETENTION CENTRE REPORT FORM

In the..... Magistrate Division of the FEDERAL CAPITAL TERRITORY

Name of Detention Facility:

Type of Detention Facility:

Date of Scheduled Visit:

Number of Awaiting Trial Inmates:

Number of Inmates Granted Bail, yet to fulfil bail Conditions:

Number of Inmates not Arraigned:

Number of Inmates having charges beyond Magistrate's jurisdiction:

Number of Inmates granted bail during visit:

Reason for grant of bail by Magistrate:

.....

.....

.....

Number of inmates released under the discretion of Magistrate with or without conditions:

Reason for release of inmates under the discretion of the Magistrate with or without conditions:

.....

Further comments where necessary for the improvement of detention facility:

.....

.....

.....

Date _____

Authorised by (Name and signature)

Form 09

ARTICLE 37 (6)

APPLICATION FOR REGISTRATION OF
BONDSPERSON

Name of Applicant.

Date of Birth/Incorporation (in case of corporate body)

RC number (corporate body only)

Nationality

Office Address

Minimum Bank Guarantee

Name of Bank

Account Number.....

Name of Signatories

(a)

(b)

(c)

For Corporate body: name of Directors

(a)

(b)

(c)

(d)

The witness support shall fix applicable amount having regard to the economic realities

TRAVELING EXPENSES FOR WITNESSES

Ordinary Witness

- 1. Road transportation (less than 50 Kilometers) = ₦2,000.00
- 2. Road transportation (above 50 kilometers) = ₦2,500.00
- 3. Road transportation (inter-state from 100 kilometers Upwards) = ₦5,000.00
- 4. Allowance for meals (attendance at Court not exceeding 5 hours) = ₦500:00
- 5. Allowance for meals (attendance at Court exceeding 5 hours but not up to 8 hours) = ₦1, 000:00
- 6. Accommodation and dinner per night (Inter-state) = ₦12, 000.00
- 7. A witness may only be reimbursed for air travel if the Registrar is satisfied that the Use thereof is warranted and has been pre-approved that the witness may make Use of air transport.

Professional Witness

- 1. Road transportation (less than 50 Kilometers) = ₦3, 000.00
- 2. Road Transportation (above 50 kilometers) = ₦5,000.00
- 3. Road transportation (inter-state from 100 kilometers Upwards) = ₦10, 000.00
- 4. Allowance for meals (attendance at Court not exceeding 5 hours) = ₦500:00
- 5. Allowance for meals (attendance at Court exceeding 5 hours but not up to 8 hours) = ₦1, 000:00
- 6. Accommodation and meals per night (Inter-state) = ₦15, 000.00
- 7. A witness may only be reimbursed for air travel if the Registrar is satisfied that the use thereof is warranted and has been pre-approved that the Witness may make use of air transport.

HON. JUSTICE

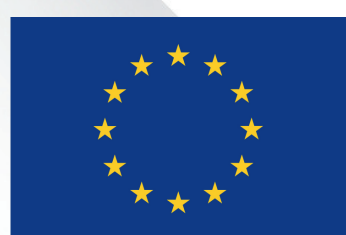
Chief Judge,

Federal Capital Territory High Court.

EXPLANATORY NOTE

(This Explanatory Note does not form part of this practice direction but is only intended to explain its purport)

This Practice Direction sets out to aid in the implementation of the Administration of Criminal Justice Act 2015, in line with its objectives and purpose of ensuring fair, effective and efficient dispensation of Criminal Justice.



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