

**KADUNA STATE
ADMINISTRATION OF CRIMINAL
JUSTICE RULES, 2024.**



ISSUED

By the Chief Judge of Kaduna State High Court,
**Honorable Justice Muhammad Tukur Mu'azu
Aliyu**

Made at KADUNA, 2024

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Commencement: (-----)

In exercise of the powers conferred on me by Section 274 of the Constitution of the Federal Republic of Nigeria, 1999, Section 490 of the Kaduna State Administration of Criminal Justice Law, 2017 and all other powers enabling me in that behalf, I, Muhammad Tukur Mu'azu Aliyu, Honorable Chief Judge of Kaduna State, hereby make the following Rules-

ORDER 1: APPLICATION AND INTERPRETATION

(1) These Rules shall apply to all criminal trials including all part-heard criminal cases in the High Courts, Magistrate Courts, Shari'a Courts and Customary Courts with jurisdiction to try-criminal matters in Kaduna State.

(2) These rules are to ensure compliance with the overriding purpose of the Law as expressed in Section 4 of the Law, particularly in promoting the efficient management of criminal justice institutions, speedy dispensation of justice, protection of society from crime and protection of the rights and interests of the Suspect, the Defendant and the Victim.

(3) In these Rules, unless the context otherwise requires:

"Agreed Evidence" means evidence agreed upon and admitted by consent of parties;

"Case Management Form" means the form to be completed towards case management hearing;

"Charge" includes Complaints, Information, and First Information Report;

"Chief Judge" means the Chief Judge of the High Court of Kaduna State;

"Chief Registrar" includes the Chief Registrar of the High Court, Shariah Court of Appeal and Customary Court of Appeal of Kaduna State or other officer authorised to perform the functions of the Chief Registrar or of his department;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999 (As Amended)

"Counsel" means a Law Officer, a State Counsel or a Legal Practitioner entitled to practice before a Court in Nigeria;

"**Court**" means the High Court of Kaduna State, Magistrate Court, Shari'a Court, Customary Court and any other Court in future laws with jurisdiction to entertain criminal matters in Kaduna State;

"**De-Clogging Panel**" means a Panel set up and empowered by the Chief Judge specially to advise on efficient case management practices and clearance of backlog of cases on the court's docket;

"**Defendant(s)**" means any person against whom a charge or complaint is made and has been brought before a court on a charge, information or otherwise;

"**Direction**" means order or instruction of the court to do or abstain from doing something;

"**Investigating Officer**" includes a police officer and other persons statutorily charged with the responsibility of investigating complaints, allegations or any suspicion of wrong doing;

"**Judge**" includes a Judge of a High Court, Alkali of the Shari'a Court or a Judge of the Customary Court.

"**Law or The Law**" except where stated otherwise shall mean the Kaduna State Administration of Criminal Justice Law, 2017;

"**Magistrate**" means any Magistrate presiding over a Magistrate Court in Kaduna State;

"**Law Officer**" means the Attorney-General of Kaduna State and includes the Director of Public Prosecutions and such other qualified officers, by whatever name designated, to whom any of the powers of a Law Officer are delegated to by law and a private legal practitioner authorised by the Attorney-General of Kaduna State to appear for and on his behalf;

"**Ministry of Justice**" means the Ministry of Justice Kaduna State;

"**Notices**" includes hearing or trial notices written and electronic communication;

"**Officer in charge**" includes, the officer in charge of a Correctional Custodial Centre, Police Station or a place of detention or the officer in charge of a unit in any other law enforcement agency or other officer who acts in the absence of the officer in charge;

"**Plea form**" means the form attached to the schedule of these Rules to be completed by a Defendant(s) who is facing a charge with multiple counts and endorsed by his counsel, the prosecutor and the Judge or Magistrate;

"Plea Bargain Agreement" means the Sample Agreement attached to Schedule Two of these Rules;

"Prosecutor" includes Police Prosecutors and/ or other persons prosecuting criminal cases on behalf of any law enforcement agency including but not limited to the Nigerian Security and Civil Defence Corps (NSCDC), Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices Commission (ICPC), the National Drug Law Enforcement Agency (NDLEA), National Agency for Prohibition of Trafficking in Persons (NAPTIP), Department of State Services and any other prosecuting institution;

"State" means Kaduna State of Nigeria;

"State Institutions" mean all relevant government (federal and state) involved in criminal trials and proceedings.

ORDER 2: COMMENCEMENT OF PROCEEDINGS - Part X, Sections 111-116; Part XIII, Sections 122-123; Part XIV, Section 125; Part XXII, Section 210 of the Law

1. All cases shall commence in the Court by way of Charge or Information, in substantial compliance with the Law; or alternatively save as otherwise provided, cases shall commence in the:
 - (a) High Court by Charge or Information; and
 - (b) Magistrate, Shari'a or Customary Courts by Charge, Complaint or First Information Report in substantial compliance with the Law.

2. No Charge or Information shall be accepted for filing by the Registrar of the Court except it is accompanied by the following documents:
 - (a) list of witnesses to be called at the trial;
 - (b) list of exhibits to be tendered;
 - (c) summary of statements of the witnesses;
 - (d) copies of statement of the Defendant;
 - (e) any other document, report, or material that the prosecution intends to use in support of its case at the trial;
 - (f) particulars of bail or any recognizance, bond or cash deposit, if the Defendant is on bail;
 - (g) particulars of place of custody, where the Defendant is in custody;
 - (h) particulars of any plea bargain arranged with the Defendant if any;
 - (i) particulars of any previous interlocutory proceedings, including remand proceedings, in respect of the charge;

- (j) any other relevant document as may be directed by the Court;
and
- (k) any other additional evidence that the Prosecution may file any time before judgment.

3. A Charge or Information shall be served on the Defendant within Seven (7) days after assignment, except the High Court otherwise directs.

ORDER 3: ARRAIGNMENT IN THE HIGH COURT: (Part XIII, Section122; Part XXXVII, Sections 359 - 366, 388)

1. The Judge to whom a case is assigned shall cause to be served notices for arraignment within three (3) working days from the assignment of the case on:
 - (a) the prosecuting authority;
 - (b) the Defendant(s) personally if on bail, where practicable;
 - (c) through his legal representatives; and
 - (d) Where the Defendant(s) is in custody, a production warrant and the notice of trial shall be served through the Officer in charge of the place of detention; not later than Three (3) days from the date of issuance.
2. Where a Defendant appears in court, he shall be called upon to enter the dock unfettered, irrespective of the seriousness of the offence, unless the court otherwise directs
3. The 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 take his plea.
4. 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 live video conferencing or other such audio-visual means.
5. The arraignment of the Defendant (s) via live video conferencing shall be in conformity with the provisions of section 36(6)(a) of the Constitution.
6. It shall be the duty of all state institutions involved in the trial to collaboratively make provisions and work out modalities for the video conferencing equipment to be used at the secured location for arraignment of the Defendant(s).
7. The video conferencing shall be recorded and shall form part of the records of proceedings for that case, which transcript shall be duly endorsed by the Judge or Magistrate

8. Where the arraignment is to be conducted via live video conferencing, the Judge or the Magistrate shall be satisfied that the Defendant has been duly served with the charge(s) preferred against him by the Prosecution, and fully understands the charge(s).

ORDER 4: CASE MANAGEMENT HEARING: (Part XXXII, Sections 312-315, Part L, Sections 467 & 490 of the Law)

1. Where a case has been filed, it shall be moved to the Chief Judge or Chief Magistrate for assignment not later than three (3) days of the filing of the charge or information

2. The Chief Judge or Chief Magistrate shall assign the cases to a Judge or Magistrate within three (3) days.

3. The cases assigned shall be moved to the assigned Court, within another three (3) days of its being assigned by the Chief Judge or Chief Magistrate

4. Where the case has been filed and moved to the Chief Judge or Chief Magistrate for assignment, but was not assigned within the specified time, it shall be flagged either manually or electronically in the overdue list as a pending activity, and if not assigned within same stated timeline for a second time effective from the date of flagging, the Prosecution or the Defendant by himself or through his legal representative may notify the Administration of Criminal Justice Monitoring Committee of the pending activity.

5. The case shall be set down for Case Management Hearing, not later than thirty (30) days of the filing of the charge or information, or of arraignment or of the return of the Case Management Forms by the parties whichever is latest.

6. The Court shall issue directives on speedy and timely management and disposition of cases before it, and all parties shall support the Court in this direction

7. The Court may at the first hearing of a matter, direct parties to appoint their Case Managers, who for the Prosecution may be from the investigative or prosecuting agency, and for the Defendant may be the legal representative or any other person of sound mind.

8. The Case Managers shall cooperate and collaborate with the relevant Court personnel to ensure that the case is dispensed speedily as agreed by parties in the case management meetings, and shall particularly:

(a) participate to schedule all hearing and conferences in the case;

- (b) support notification of the parties of all hearings and conferences in the case;
- (c) receive alongside Counsel to parties manual and electronic notifications from the Courts of hearings and conferences;
- (d) be responsible for ensuring that the case is progressed efficiently and expeditiously; and
- (e) alongside the Counsel, receive directions from the Court, including directions on case scheduling and notification

9. Where a Case has been filed and assigned but was not scheduled for first hearing within fourteen (14) days from the date of assignment, it shall be flagged either manually or electronically in the overdue list as a pending activity, and if not scheduled for first hearing within same stated timeline for a second time effective from the date of flagging, the Prosecution or the Defendant by himself or through his legal representative may formally lodge a complaint in accordance with the provisions of the Service Charter herein annexed as Schedule Nine (9) to these Rules.

10. Where a Case has been filed and assigned, and the first hearing held, but there is no next Court date scheduled within a period of three (3) days from the date of the first hearing, it shall be flagged either manually or electronically in the overdue list as a pending activity, and if not scheduled for next hearing within same stated timeline for a second time effective from the date of flagging, the Prosecution or the Defendant by himself or through his legal representative may formally lodge a complaint in accordance with the provisions of the Service Charter herein annexed as Schedule Nine (9) to these Rules.

11. Where a Case has been filed and assigned to a Judge, and a first hearing has been held, but arising from non-furtherance or undue delays from the prosecuting institution, there have been no further hearings within sixty (60) days from the date of the first hearing, the Case shall be deemed abandoned, subject to the direction of the Court, and parties shall be notified of the abandonment of the case, while the defendant **shall be discharged**.

12. At the Case Management Hearing, the parties shall be ordered to complete, file and serve the Case Management Form, as set out in the Schedule One to this Rules;

13. The prosecution shall be allowed not more than Seven (7) days to complete, file and serve the Case Management Form on the Defendant (s);

14. The Defendant(s), shall upon receipt of the Case Management Form be allowed not more than Seven (7) days to complete, file and serve same on the prosecution;

15. Subject to the adoption of the case management proceedings where practicable by a Magistrate Court, Shari'a Court or Customary Court, the Court shall at the Case Management Hearing, consider the following matters raised by parties:

- (a) objection on grounds of jurisdiction;
- (b) the availability of the parties and witnesses;
- (c) the complexity of the case;
- (d) the need for expert evidence;
- (e) the need for pre-trial conferences;
- (f) the need for mediation or other forms of restorative justice mechanisms; alternative dispute resolution;
- (g) admissibility of evidence including statements of the Defendant(s);
- (h) the number of witness(es) to be called by the parties;
- (i) non-contentious evidence and admissions;
- (j) time estimate and schedule of witness(es) for the trial; and
- (k) any other matter that the Court may deem necessary and incidental to the trial:

16. The court may, at any stage of a criminal proceeding make such orders as may be necessary for the management of the case, including but not limited to the following:

- (a) fixing dates for hearing of the case;
- (b) requiring the parties to file and exchange relevant documents;
- (c) directing the parties to attend case management conferences;
- (d) appointing a case manager to oversee the progress of the case;
- (e) ordering the parties to undertake mediation or other forms of alternative dispute resolution;
- (f) establishing, with the active assistance of the parties, the disputed issues they intend to explore.
- (g) requiring 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;
- (h) ensuring that the evidence, questions, and submissions are strictly limited to the relevant disputed issues; and
- (i) admitting in evidence, non-contentious evidence by agreement of parties.

17. 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, endorsed by the Judge or Magistrate, and without recourse to further conditions of admissibility at trial.

18. 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.

19. The Case Management Orders of the Court shall arise through a memorandum jointly filed by the parties from the consensus reached during the hearing sessions, and 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.

20. Members of the public shall be permitted to witness the Case Management Hearing sessions subject to the general provisions of the Law, and, where held virtually, the virtual links shall be shared upon application

21. Case Management Hearing shall be concluded within sixty (60) days from the date of arraignment.

ORDER 5: PLEA: Part XXIX, Sections 283 - 289

1. Where the Defendant confirms service of the charge or plea form, the Judge shall ask such Defendant in the language he understands, if he has read and understands the charge.

2. Where the Defendant confirms he has read the charge and understands it, the Judge shall take his plea orally.

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', same is entered for him by the Court

7. Where there are multiple counts in the charge, the Defendant(s) will have completed the plea form in the presence of a legal practitioner or any other person of his choice indicating his plea to charge prior to the arraignment.

8. Where the Defendant has completed the Plea Form, the Judge shall ask if he adopts his plea as contained in the Form, and the completed Form shall be filed along with the information or charge at the Court.

9. 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 the Form.

10. Where the Defendant informs the Court that he has not been served with the 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 Charge and Form, and the completed Form shall be filed in Court before the next adjourned date which shall not be for more than five (5) days from the date of filing.

11. 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, and the Judge shall record the details of the change as stated by the Defendant.

12. The Court shall not entertain any application except it borders on issues of jurisdiction from a Defendant(s) or his legal representative unless or until after he has entered a plea to the charge or information before the Court.

13. The obligations of parties to prepare for trial shall include:

- (a) completion of the Case Management Form where applicable;
- (b) nomination of Case Managers
- (c) timely arrival of parties and witnesses in court;
- (d) completion by the prosecution of the investigation before arraignment;
- (e) arrangement for the efficient presentation of all material evidence; and
- (f) generally supporting the Court to ensure the speedy trial of the case in accordance with timelines stated in Court's Orders on Case Management

14. Without prejudice to the foregoing, the Defendant (s) shall be at liberty to apply for bail at any time.

ORDER 6: DISCLOSURE AND DISCOVERY: Part XIV, Sections 125 (6) - (11)

1. It shall be the duty of all parties to disclose to each other and the Court, relevant materials and/or information within their knowledge or in their

possession or accessible to them, pertaining to the case that will assist the Court to do justice in the matter.

2. Subject to the constitutional freedom from self-incrimination, the Defendant(s) shall provide such information as to allow the Court to efficiently manage time in the determination of the case.

3. The Defendant(s) shall be entitled to apply for the discovery of undisclosed documents and other information or materials which are in the custody of the Prosecution, which may assist the Defendants) in preparing his Defence.

4. Parties to the proceedings may apply to the Court to issue processes for compelling the attendance of witnesses, for the purpose of examination or the production of documents or any other evidence.

5. In considering applications of parties under this Order the Court shall not ordinarily deny such applications except where same is vexatious or made to cause delay or defeating the aim of justice.

ORDER 7: CASE SCHEDULING AND NOTIFICATION: Part XXXVII, Sections 394 - 401

1. The Role of the Court:

- (a) The Court shall be responsible for scheduling the case for trial within a period of **thirty (30)** days from the conclusion of the case management hearing and notifying the parties of all hearings and other proceedings.
- (b) The Court may use electronic or manual methods of scheduling and notification, but the need for electronic scheduling and notification should be prioritized by the Courts.
- (c) The Court shall notify the parties of the date and time of the trial at least **fourteen (14)** days before the date of the trial
- (d) The Court may, at any time, reschedule the trial for any reason, provided that the parties are notified of the new date and time of trial at least fifteen (15) days in advance before the new date of the trial
- (e) The Court may, at its discretion, dispense with the requirement for notice of the trial if the parties during the case management hearings agreed on the time schedule, and are in

possession of the Court's Orders arising from the Case Management hearings.

- (f) Where the Court issues orders as to its schedules for a case or as contained in the Court's Orders on Case Management, it shall where the defendant is held in custody duly serve the notice of the Schedule or Orders to the Officer in Charge of the detention centre or facility not less than three (3) days before the next sitting
- (g) The Court may at any time, order the parties to attend a Case Management Conference to discuss further scheduling and notification of the trial

2. The Role of the Parties

- (a) The parties to a criminal proceeding shall be required to attend all scheduled hearings.
- (b) The parties shall be required to provide the Court with all relevant information and documents.
- (c) The parties shall be required to cooperate with the Court and the other parties in the conduct of the case.
- (d) The parties shall maintain an electronic system for scheduling and notification.
- (e) The parties shall provide the Court with their telephone and email contact information.
- (f) Each of the parties shall assign a Case Manager to be responsible for scheduling, notification and ensuring compliance with the Case Management Orders.
- (g) The parties shall maintain contact with the Court throughout the proceedings to ensure that they are kept informed of all scheduling and notification changes.

3. The Role of the Prosecution and the Defence

- (a) They shall be responsible for maintaining contact with the Court throughout the proceedings to ensure they are aware of all scheduling and notification requirements.

- (b) They shall be responsible for providing the Court with all necessary information and documents relating to scheduling and notification.
- (c) They shall be responsible for ensuring that Parties are notified of all scheduling and notification changes in a timely manner.

ORDER 8: ROLES AND RESPONSIBILITIES OF OTHER STAKEHOLDERS IN SCHEDULING AND NOTIFICATION

1. The Court Criminal Process Unit (CPU) The Criminal Process Unit shall be responsible for the following:

- (a) the filing and registration of Cases;
- (b) the generation and assignment of Suit/ Case Number; and
- (c) moving the Case to the Court Registry.

2. The Court Registry: The Court Registry shall be responsible for the following:

- (a) the general administration of the court;
- (b) receives Case file from the CPU or Records;
- (c) registration of the Case file;
- (d) the Scheduling of cases and Notification of parties to hearings;
- (e) the Registration of Suit/ Case number;
- (f) the processing of documents;
- (g) the maintenance of the Court records; and
- (h) ensure that cases are moved to the Chief Judge or Chief Magistrate

3. The Courts Central Case Management System Unit: The Central CMS Unit shall be responsible for the following:

- (a) the maintenance of the Court's Case Management System;

- (b) receives, updates and manages Manual and Digital CMS activities from case reception to the point it is assigned to Court;
- (c) updates the Case Management Records (CMR) with case updates as court sits daily;
- (d) produces the Cause list;
- (e) the provision of technical support to the Court; and
- (f) the training of Staff on the use of the Case Management System.

4. The Ministry of Justice: The MoJ shall be responsible for the following:

- (a) the prosecution of offences;
- (b) ensuring that the prosecution of corruption offences is conducted in a fair and impartial manner;
- (c) filing its legal advice in the Case within a period of fifteen (15) days from the date of Case Management Hearing; and
- (d) provide the prosecution with the necessary resources to ensure that the prosecution of corruption offences is effective

5. The Director of Criminal Litigation in the High Court: The Director of Criminal Litigation shall be responsible for the following:

- (a) hosting of the Case Management system;
- (b) overseeing that the Performance data and Overdue lists are accurate and up-to-date; and
- (c) ensure that the Case Management System is properly maintained

6. The Defence Counsel: The Defence Counsel shall be responsible for the following:

- (a) representing the defendant in criminal cases;
- (b) ensure that the defendant is provided with a fair and just trial; and
- (c) have access to all relevant evidence and shall be able to cross-examine witnesses.

7. The Role of the Nigerian Correctional Service: The Service shall:

- a. be responsible for the custody of defendants and convicts;
- b. ensure that the persons in its custody are treated humanely and with respect for their human rights; and
- c. provide the persons in its custody with access to legal representation and other necessary support services.

ORDER 9: VIRTUAL HEARING

The Role of the Court:

1. The Court may at the case management hearing order the hearing of the case to be conducted virtually where it is in the interest of justice to do so.
2. Subject to the provisions of these Rules, the parties may participate in virtual hearings by video conference or other electronic means
3. A party may apply to the Court during the case management hearing for leave to allow the witness give evidence through live video conferencing or other such audio- visual means.
4. Where the Court considers that granting a party leave to allow a witness give 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.
5. The equipment required for video conferencing or other virtual hearing shall as practicable as possible be provided by the Court or in the absence of such, as agreed by the parties subject to the convenience of the Court.
6. Subject to funding constraints but as practicable as possible, the Courts shall be equipped with the necessary equipment to facilitate the hearing and determination of criminal cases.
7. The equipment shall include, but not limited to video conferencing facilities, electronic evidence presentation systems, and translation facilities. webcam, microphone and such other equipment and critical infrastructure as may be necessary for the functionality of virtual Court hearing sessions.
8. The equipment(s) shall be maintained in good working condition to ensure that it is available and functional for use when necessary.
9. The Court may make further guidelines, directives or standard operating procedure governing the conduct of virtual hearings.

ORDER 10: DESIGNATION OF CRIMINAL COURTS

1. The Chief Judge may designate Criminal Courts to hear and determine criminal cases.
2. The Criminal Courts shall be composed of Judges with experience in handling Criminal Cases.
3. The Criminal Courts shall have the necessary facilities and resources to ensure that criminal cases are heard and determined expeditiously.

ORDER 11: CONFIDENTIALITY

1. All information relating to cases shall be treated as confidential, except otherwise directed by the court
2. The parties to a case shall be prohibited from disclosing to the public any information relating to the case which could lead to a breach of peace and security or stigmatization of the victims or offensive to public sensibilities as determined by the Court.

ORDER 12: REMAND PROCEEDINGS (Part XXXI, Sections 305-311)

1. The remand of a suspect who is not charged with an offence but awaiting further investigations shall be in accordance with Part XXXI of the ACJL and more specifically as provided in the practice direction on remand proceedings scheduled to this Rules

ORDER 13: SURETIES: Part XX, Sections 180-196

1. 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 when required.
2. The Defendant or his Surety or Sureties may be required to enter into recognizance.
3. Where a Defendant is granted bail, the Registrar shall cause to be taken in the prescribed form, the following records of the Surety:
 - a. his full name, occupation and residential address; and
 - b. for the purpose of identification, his:
 - (i) height;
 - (ii) passport photograph;
 - (iii) full fingerprint impressions;
 - (iv) Telephone number; and
 - (v) other means of identification.

4. The Prosecutor or any officer of the Court shall verify the information supplied by the Defendant(s) or Surety.
5. Where ownership of a landed property is stipulated as one of the conditions for bail, the title document submitted by the Surety or Defendant(s) to the Court shall be forwarded to the State's Land Registry domiciled either in the Ministry of Land or State's Geographic Information Management Systems, or any other relevant institution for verification.
6. Where a Defendant fails to appear in Court on a scheduled date which he had notice of and no credible explanation is given for his absence, the Court shall upon the application of the Prosecutor or of its own motion issue a Warrant of Arrest known as Bench Warrant against the Defendant(s) and his Sureties.
7. The Registrar of the Court shall prepare the Bench Warrant as contained in Item 1 of the Fifth Schedule to the Law which shall be signed by the Court.
8. It shall be the duty of the Prosecutor to execute the Bench Warrant upon the Defendant(s) and his Surety(ies).
9. If the Defendant is not in Court and no reasonable excuse is given for his absence from Court, his bail shall be revoked and he shall be remanded in custody provided that his trial shall be concluded within sixty days.
10. Where reasonable excuse is given for the absence of the Defendant(s), the Bench Warrant shall be rescinded.
11. Where the Defendant is not found and the Surety is brought before the Court, he shall show cause as to why he should not be remanded in custody.
12. Where the Surety fails to show cause, he shall be released to sureties on the same terms and conditions for which he stood for the Defendant(s) until he produces the Defendant(s) within ninety days.
13. Where the Surety fails to produce the Defendant(s) in accordance with the bail terms, the recognizance may be ordered to be forfeited by the Court, which may also immediately or at any time after the order, issue a warrant of committal against the Surety under the recognizance, for any term not exceeding the term prescribed in respect of a like sum in the scale of imprisonment set out in the Law except the amount due under the recognizance is paid, and the Court shall further proceed to issue a Bench Warrant for the re-arrest of the defendant

14. Where the Surety is a body corporate, the Surety shall be liable to a fine of not less than fifty percent of the recognisance in addition to the forfeiture of the recognisance.

ORDER 14: TRIAL: (Part XXXVII, Sections 267- 281, Part XXXII Sections 312-320)

1. Priority shall be given to criminal trials over all other cases, in the listing and hearing of cases before the Court.
2. The Court shall schedule the time and date of hearing on such days and times with the aim of concluding trial within 180 days after the arraignment.
3. The hearing of cases shall be on a day-to-day basis in line with agreed terms by the parties during the Case Management Hearing, and each adjournment shall not exceed Fourteen (14) working days from the last date of hearing.
4. Only the witnesses listed on the Case Management Form 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.
5. 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.
6. Where prosecution 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.
7. 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.
8. Any other objection to the admissibility of an extra-judicial statement shall be recorded and be ruled upon by the Court while delivering judgement in the substantive case.
9. The parties and counsel shall conduct themselves in such manner as to avoid unnecessary delays and accordingly, not more than five (5) adjournments may be allowed from arraignment to final judgement, at the instance of each party.

10. Where it is impracticable to conclude a criminal proceeding after the parties have exhausted their five (5) adjournments each, the interval between one adjournment and another shall not exceed Seven (7) days inclusive of weekends, subject to costs as the Court may determine.

11. Where the Defendant is in custody, the Court Registrar and legal representative (where represented) shall liaise with the detaining authority to produce the Defendant in court at every hearing where his attendance is required.

12. Counsel conducting a case shall ensure that they are present in court and ready to proceed with their case or trial at all adjourned dates, and where impracticable by reason of ill health or any other unavoidable reason, Counsel shall:

- (i) immediately notify the Court prior to hearing of the intervening circumstances leading to indisposition or absence; and
- (ii) ensure that another Counsel of cognate experience seized with the facts and proceedings of the matter stands in and is present in court and ready to proceed with the case or trial.

13. Where a Counsel who was present in Court and agreed on the next adjournment date fails to attend the hearing and does not ensure the attendance of another Counsel to continue the trial, reasonable costs may be awarded against him personally.

14. Where a Counsel puts himself forward as holding the brief of another Counsel, he shall be deemed to be seised of the facts of the case and ready to proceed with the trial.

15. Where a Counsel holding brief for another Counsel is unable to proceed with the business of the day, due to his unpreparedness, reasonable costs may be awarded against him personally.

16. 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 most reliable means available, especially electronic notifications.

17. The Court Registrar must take down the phone numbers, email addresses and other commonly used electronic contacts of all Counsel appearing.

ORDER 15: VOLUNTARINESS OF CONFESIONAL STATEMENT

1. Where evidence is adduced by the Prosecution to prove its case during trial and the Defence objects to the voluntariness of the statement, the Prosecution shall call evidence to prove that the statement was obtained voluntarily; and

2. The Court shall consider the evidence presented before it by the Prosecution and Defense, and shall reserve its ruling on the voluntariness or otherwise of the statement till final judgement.

ORDER 16: OPENING ADDRESSES: Part XXXII, Section 312; Part XXXVII, Sections 361, 365, 369

1. Where a plea of 'Not Guilty' has been taken or entered for the Defendant and at the commencement of trial, after the conclusion of the Case Management Hearing, the Prosecutor may make an oral Opening Address summarizing the evidence the prosecution intends to lead at trial and the connection of evidence to the charge before the Court.

2. At the close of the case of the Prosecution, the Defendant may make an oral Opening Address summarizing the evidence the Defence intends to lead at the trial and the connection or otherwise of evidence to the charge before the Court.

3. All other Addresses except Opening Addresses by Prosecution and Defence shall be in writing and parties shall be allowed not more than Seven (7) days each, in turns, to file and serve their Written Addresses.

4. The court may consider applications for extension of time to file written addresses subject to costs.

ORDER 17: NO CASE SUBMISSION: Part XXXVII, Section 314

1. The Court may, on its own motion or on the application of the Defendant or any of the several Defendants, after hearing the evidence for the Prosecution, where it considers that the evidence against the Defendant or any of several Defendants is not sufficient to justify the continuation of the trial, record a finding of no prima-facie case and;

i- after the prosecution's reply in respect of the Defendant's No Case Submission,

ii- without calling on the defendant or defendants to enter his or their Defence and;

iii- the Defendant(s) shall accordingly be discharged and the Court shall then call on the remaining Defendant(s), if any, to enter his or their Defence.

2. Where the Defendant or any of the Defendants intends to file a no case submission at the conclusion of the Prosecution's case, he shall file same not later than Seven (7) days from the date of conclusion of the Prosecution's case.

3. Upon being served with the Defendant's No Case Submission, the Prosecution shall not later than Seven (7) days from the date of receipt thereof file a reply to the Defendant's No Case Submission.

4. The Defendant shall upon being served with the Prosecution's reply to the Defendant's No Case Submission, file a Reply on Points of Law only, if necessary not later than Seven (7) days from the date of receipt of the Prosecution's reply to the No Case Submission.

ORDER18: TRIAL IN ABSENTIA: Part XVI, Section 148; Part XXXVII, Sections 363 - 364

1. Where a Defendant who has been granted bail by the court and who had due notice of his trial date, fails to attend his trial without reasonable explanation on at least two consecutive adjournments, the Court may continue the trial in his absence.

2. Neither the seriousness of the offence charged nor the severity of the punishment if convicted shall be a bar to the Court proceeding with the trial in the Defendant's absence.

3. Where the Defendant is tried and convicted in absentia, the Court shall not impose a sentence until the convict is presented before the court.

ORDER 19: FILING OF WRITTEN ADDRESSES: Part XXXVII

1. The Court shall have the power to:

- i- order for the filing of Written Addresses in any case; and
- ii- dispense with the filing of Written Addresses where the interest of justice so demands.

2. Where the Defendant(s) call evidence, he/they shall within Twenty-One (21) days after the close of evidence file a written address.

3. Where the Defendant(s) do not call evidence, he/they shall within fourteen (14) days after the close of evidence file a Written Address.

4. Upon being served with the Defendant or Defendants written address, the prosecution shall, within Twenty-One (21) days, file its Reply Address.

5. The Defendant or Defendants shall:

- a. have a right of Reply on Points of Law only; and
- b. file the Reply on Points of Law within Seven (7) days after service of the Prosecution's Address.

6. The Judge may guide counsel on the volume or limit of their Address.
7. An oral argument of not more than ten minutes shall be allowed for each party.
8. Where a Final Written Address or Written Address in respect of any application under these Rules has been filed and it comes up for adoption and either of the parties is absent, the Court shall either on its own motion or upon oral application by the Counsel for the party present, Order that the Address be deemed adopted if it is satisfied that the parties had notice of the date for adoption.
9. The Court shall be satisfied that, the absentee party had notice of the date for adoption if on the previous date last given the party or his Counsel was present in Court.

ORDER 20: TRANSFER OF CASES: Part X, Section 111; Part XXXVII, Sections 393 - 401

1. An application for the transfer of a case shall not act as a Stay of Proceedings unless the Chief Judge otherwise directs.
2. If evidence is taken in a case, the Chief Judge shall not transfer the case to another court.

ORDER 21: STAY OF PROCEEDINGS: Part XXXVII, Section 317

1. An application for Stay of Proceedings in respect of a criminal case before the Court shall not be entertained, except for the purpose of determination of an application bordering on jurisdiction of the Court.

ORDER 22: NOTICES

1. Where Court orders that notices be served on parties, such notices may be served-
 - i- through electronic mail or any other means of electronic communication; and,
 - ii- provided such notice is given at least Forty-Eight (48) hours before the next scheduled court hearing.
2. Counsel and unrepresented parties shall furnish the Court Registrar with their primary and secondary phone numbers, email addresses and other electronic/virtual platform accounts agreed by the parties at their first appearance in Court and shall endorse same on all processes presented for filing.

ORDER 23: MOTIONS AND OTHER APPLICATIONS

1. Where in these Rules or in the Law, any application is authorised to be made to the Court, it shall be by Motion and supported by an Affidavit, stating the rule or enactment under which the application is brought.
2. Every Application shall be accompanied by a Written Address.
3. Where the other party intends to oppose the Application, he shall within Seven (7) days of the service on him of such Application, file his Written Address and may accompany it with a counter affidavit.
4. The Applicant may within Five (5) days of being served with the Written Address of the opposing party file and serve an Address in Reply on Points of Law with or without an Affidavit.
5. No Application shall be served on the other party on the date scheduled for hearing.
6. Unless the court grants special leave to the contrary, there must be at least Two (2) clear days between the service of the Motion on Notice and the day the case is set for hearing.
7. The filing and service of an application shall not be a reason for not proceeding with the trial as scheduled.
8. Every Written Address under this Order shall not exceed Twenty (20) pages, except where the court otherwise directs.
9. Every Reply on Points of Law under this Order shall not exceed Ten (10) pages except where the court otherwise directs.

ORDER 24: DECLOGGING OF COURT

1. The Chief Judge may inaugurate a Committee of the Kaduna State Administration of Criminal Justice Monitoring Committee to review from time to time, Case Management Practices in the Court with the aim of improving efficiency and reducing backlog of cases on the courts' dockets.
2. The Committee 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, clear backlogs on the docket and decongest the court's case load.
3. At least a day in, every week shall be declared a call-over day, for mentioning cases, and all other days shall be set aside for hearing of evidence only.

ORDER 25: PLEA BARGAINING – Part XXIX, Sections 282

1. The plea bargain hearing shall commence pursuant to Section 269(4) of the Law and Schedule Two of these Rules where the Prosecutor, the Defendant or his legal representative enter into a plea bargain agreement.

ORDER 26: CONDUCT OF COUNSEL AND THE COURT

1. Judges, Magistrates, Alkalis and Judges of the Customary Court shall take firm control of the daily business of the court and ensure that Counsel conduct 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 the course of justice.

2. In investigating a Petition made against a Judge, the Chief Judge shall ensure that such Petition do not become a de facto Stay of Proceedings.

3. The Chief Registrar shall take concrete and identifiable steps towards improving the efficiency of the Registrars and Bailiffs, whose activities shall be reviewed periodically.

4. The Chief Registrar shall inquire into reports or allegations made against any Registrar or Bailiff and report acts of misconduct to the Chief Judge.

ORDER 27: DATA GOVERNANCE AND MANAGEMENT

1. Judges, Magistrates, Alkalis, Judges of the Customary Court and the Ministry of Justice shall commit to the strict adherence and implementation of the data and management policy in Schedule Seven to these Rules.

2. The heads of institutions shall ensure that their subordinates maintain accountable practices across their case management system processes in compliance with the Law and core values set out in the policy schedule.

3. The data management mechanism of each institution should ensure accuracy of records online and offline, regularly updated, timeline strictly adhered to and protection of data are safeguarded at all relevant times by designated officers.

4. The personnel from the Case Management Units at all levels of each institution shall at micro level ensure adherence to the data use standards, data protection and privacy, system security, including taking necessary precautions to protect passwords, physical and cloud system infrastructure, and reports generated by the system.

ORDER 28: COURTS RECORDS MANAGEMENT

1. The High Court shall ensure that its record keeping practices comply with all legal and regulatory requirements.
2. The High Court shall, so far as is practicable seek to comply with professional standards and codes of practice including the international standard on records management and other codes of practice and guidance material issued by relevant authorities.
3. The Courts' records and information will comply with regulations and legal requirements, including making information accessible to others as necessary, as well as protecting information from inappropriate or unauthorized access.
4. The Court shall maintain a Data Protection Policy which governs how records containing personal data should be handled, which policy shall be the first point of reference for those with enquiries on any aspect of information management.
5. The policy guidelines contained in Schedule Six to these Rules shall be applicable in all cases.

ORDER 29: JUSTICE SERVICE COMPLAINT MECHANISM

1. A person who is dissatisfied with the service provided by a criminal justice agency may make a complaint to the relevant agency which ought to deliver the service.
2. The complaint must be made in writing and must set out the reasons for dissatisfaction.
3. The agency shall investigate the complaint and provide the complainant with a written response within a stated timeline.
4. If the complainant is not satisfied with the response of the agency, he may appeal to the Kaduna State Administration of Criminal Justice Monitoring Committee
5. The complaint mechanism shall be impartial, independent, transparent and accountable.
6. The complaint process shall be in accordance with the Criminal Justice Service Charter in Schedule 9 attached to these Rules.

ORDER 30: COORDINATION AMONGST STAKEHOLDERS IN THE CRIMINAL JUSTICE SYSTEMS

1. The Ministry of Justice, Nigeria Police Force and Nigeria Correctional Services shall, in consultation with the relevant stakeholders, establish a framework for coordination amongst the stakeholders in the criminal justice system
2. The framework shall ensure that the stakeholders work effectively and efficiently towards the timely investigation and prosecution of criminal trials
3. The coordination and cooperation framework shall be subscribed to by the Ministry of Justice, Nigeria Police Force Kaduna State Command, and the Nigeria Correctional Service Kaduna State Command, and serve as a referral tool for other law enforcement agencies with arresting, investigative and prosecutorial powers in the state not expressly stated in the framework.
4. The framework for coordination and cooperation amongst criminal justice agencies is provided in the Standard Operating Procedure annexed herein as Schedule 8 to these Rules.

ORDER 31: SANCTIONS

1. Where a Counsel breaches or encourages his client to breach any provision of these Rules, the Court may:
 - (a) award reasonable costs against the Counsel personally and such costs shall be recoverable as a fine and no Counsel with an unpaid fine shall present any process for filing before any Court in the State.;
 - (b) recommend such Counsel to the Legal Practitioners' Disciplinary Committee for disciplinary measures in respect of actions constituting misconducts under the Rules of Professional Conduct 2007;
 - (c) in the case of a Law Officer or other Prosecutor, recommend such Counsel to the appropriate prosecuting authority for disciplinary action under the Code of Conduct for Prosecutors or Public Service Rules; and
 - (d) Without prejudice to the foregoing, at the end of proceedings, record in writing the misconduct of such Counsel, in the Judgement or Ruling of the Court.
2. Where a Defendant breaches any provision of these Rules or conducts himself in a manner aimed or tending to frustrate the judicial proceedings and objectives of these Rules, the Court may:
 - a. award reasonable costs against the Defendant and such costs shall be recoverable as a fine; and
 - b. Where the Defendant is convicted, consider such misconduct during sentencing, in accordance with the Sentencing Guidelines.
3. Where an Officer of the court breaches any provision of these Rules or conducts himself in a manner aimed or tending to frustrate the judicial

proceedings and objectives of these Rules, such Officer of court shall be made to face disciplinary action in line with the extant Judicial Service Rules.

ORDER 32: CITATION

These Rules may be cited as the KADUNA STATE ADMINISTRATION OF CRIMINAL JUSTICE RULES, 2024.

(Honourable Justice Muhammad Tukur Mu'azu Aliyu)
Honorable Chief Judge Kaduna State.

SCHEDULES

SCHEDULE ONE: CASE MANAGEMENT FORM

- i. This form is pursuant to Administration of Criminal Justice Rules of Kaduna State 2024.
- ii. Counsel shall ensure that they are present in Court and ready to proceed with their cases at all times and shall comply with the provisions of this Rules.
- iii. All parties in any of the cases, to which the Rules apply, shall complete this Form.
- iv. The Form shall as far as practicable be completed before the Defendant is arraigned.
- v. In compliance with the Rules, immediately after arraignment, Case Management Hearing shall be conducted using this Form.
- vi. The Prosecutor shall complete the form and forward to the Defence prior to arraignment.
- vii. The Prosecutor, the Defendant in person if not represented and the Judge shall sign the Form and each of the parties shall be given a copy.
- viii. An identical copy is to be kept in the Court's file.

Preparation for Trial

This Form:

- i. documents about the case that the Court will need to arrange for trial pursuant to the objectives of the Rules and
- ii. Records the Court's directions.

After the court gives directions for trial, if:

- i. Information about the case changes, or
- ii. Any of the parties think another direction is needed; such party must inform the court at once.

If the Defendant pleads not guilty:

- i. the prosecutor shall complete Parts 1 and 3;
- ii. the Defendant shall complete Parts 2 and 3;
- iii. the court will record directions in Parts 3 and 4;

- iv. the prosecutor shall fill the form first, then file and serve a completed copy on the Defendant.

NB: Attach extra sheets if required. The electronic version of the form will expand. There is a list of case preparation time limits on subsequent pages.

Applicability:

This Form shall be completed in cases where case management proceedings were adopted by a Magistrate Court, Shari’a Court, Customary Court and the High Court or in any case as may otherwise be ordered by the Honorable Chief Judge.

Case Management Information (*Tick/Fill as appropriate*)

PART 1: to be completed by the prosecutor

Name of Defendant (*Alias*):

Case Number for reference:

Offence(s):

.....

.....

Is the Defendant on Bail: Yes/No

Is the Defendant in Custody (If Yes, *Where*): Yes/No

.....

Date of the first hearing:

Prosecution contact details:

Prosecuting Authority:

Office Phone:

Email:

Is the investigation complete? Yes/ No:

Does the prosecution hereby give an undertaking that witnesses and evidence to be relied on will be available when required: Yes/ No

Has the prosecutor/Investigator served 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 **Yes/ No** (if No, give brief details why):

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

Does the prosecutor intend to serve more evidence on the defendant and on the Court: **Yes/ No** (if Yes, give brief details)?

Will the prosecution rely on:

- i. Defendant's Statement in Interview: **Yes/ No**
- ii. Expert/Hearsay/Forensic or Technical Evidence: **Yes/ No**
- iii. CCTV: **Yes/ No**
- iv. Electronically Recorded Evidence: **Yes/ No**

What equipment or device will be needed in the trial courtroom? (Tape / DVD player, Flip chart, Table, etc.)?

.....
.....

Application for Directions

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

Does the Prosecutor want the Court to make any other Direction or Orders: **Yes/ No** (If Yes, give details)?

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*.**

Solicitor/Counsel:

Address:

Phone:

Mobile:

Email:

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

Preliminary Objections and Interlocutory applications

Does the Defendant intend to:

- i. Raise preliminary objections challenging the jurisdiction of the Court to hear the case? **Yes/No**
- ii. File any interlocutory application? **Yes/No**

Partial or Different Guilty Plea

- i. 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**

.....

- ii. Does the Defendant propose an alternative way of disposing of or settling the case (If yes, what is proposed?): **Yes/No**

.....

.....

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

.....

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

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.

- i. Was the Defendant arrested lawfully?
 Yes/No
-
- ii. Fingerprint Yes/No (*If not agreed, explain what is in dispute*)
-
- iii. DNA evidence: Yes/No (*If not agreed, explain what is in dispute*)
-
- iv. Identification and/or continuity of other scientific evidence: Yes/No
 (*If not agreed, explain what is in dispute*):
- v. Exhibits and samples were collected and delivered as stated i.e. continuity of custody is agreed: Yes/No (*If not agreed, explain what is in dispute*)
-
- vi. Is the Defendant's statement(s) in interview as written or recorded agreed? Yes/No (*If not agreed, explain what is in dispute and why*)
-
- vii. Other facts or issues and/or other aspects of the prosecution case which are AGREED must be in written form (*Give details*):
-
- viii. Have you set out or attached a written admission of all agreed facts? Yes/No? (*If no, explain*

why):

ix. What are the DISPUTED issues of fact or law for trial?

x. Have the Defendant(s) specified in writing the defense it intends to raise at trial? **Yes/No** Defendant(s) to specify in writing what points of admissibility or other evidential issues are to be taken at trial:

xi. **Application for Directions:**

- Does the Defendant require the court to give any directions or specify time limits? Yes/No (*If yes, give details*)
- Does the Defendant want the court to make any other direction or Order: **Yes/No?** (*If yes, give details*):

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
Prosecutor to Complete (*If yes, give details*)

Does the prosecutor require special measures or witness protection for a witness? **Yes/No**

Does any witness need an interpreter? Yes/No *(If yes, in what language?)*

.....
.....

Defence Witnesses

Defendant to complete

Is the Defendant likely to give evidence? Yes/No

.....
.....

How many other defense witnesses are likely to give evidence in person?

.....

Does the Defendant require Special Measures to assist a defense witness?

Yes/No *(If yes, give details)*

.....
.....

Will the Defendant or any defense witness require an interpreter? **Yes/No** *(If yes, in what language?)*

.....
.....

Signatures

Prosecution Signed:

Date:

Defendant/Defendant's Counsel Signed:

Date:

Part 4: Court Directions for Trial

The prosecution must serve copies of the evidence and other materials it intends to rely on. The prosecution must serve any further evidence or material identified

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: specific court prosecution or defense:

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:

CHARGE/PARTICULARS

YEARS/MONTHS, MINIMUM/MAXIMUM

PREVIOUS CONVICTION

YEARS/MONTHS, MINIMUM/MAXIMUM

TOTAL MAXIMUM TIME

CONSEQUENCES OF MY PLEA

Guilty Plea

I understand that if I plead guilty, I will be convicted, and my plea could be used against me in a civil case.

Community Service

I understand that if I am sentenced to community service:

- a. IF I abscond or the court tolls my supervision, the total time of my community service can be extended; and
- b. IF I violate any of the terms or conditions of my community service, I can be sentenced to correctional facility for up to 180 days for each violation.

Effect of Conviction on Other Cases

I understand that a conviction in this case may constitute a violation of any other current grant of community service, or probation in any other case and that I may receive additional punishment as a result of that violation.

Registration

I understand that I may be required to register with the local police division in the State in which I reside as an offender/sex offender (this registration is a lifelong requirement), a gang member and that if I fail to register or to keep my registration current for any reason, new criminal charges may be filed against me.

Prints and DNA Samples

I understand that I must provide biological samples and prints for identification purposes including buccal (mouth) swab samples, right thumb prints, palm prints of each hand, and blood specimens or other biological samples required by law-and that failure to do so constitutes another criminal offense.

Serious or Violent Felony

I understand that by pleading guilty or no contest to a serious or violent felony, the penalty for any future felony conviction will be increased as a result of my conviction in this case.

PLEA FORM FOR COURT USE ONLY

KADUNA STATE OF NIGERIA

CHARGE NUMBER:

JUDICIAL DIVISION:

MAGISTERIAL DISTRICT:

THE STATE/COMMISSIONER OF POLICE v. DEFENDANT(s):

Instructions:

- a. Fill out this form if you want to plead guilty or not guilty

- b. 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. For any item that does not apply to you or that you do not understand, leave the box blank.

- c. On page 6, sign and date the form under "DEFENDANTS(s) STATEMENT."

- d. Keep in mind that the court cannot give legal advice. If you have any questions about anything in this form, ask your counsel.

1. CHARGES AND MAXIMUM TERM.

I want to plead guilty or not guilty to the charges and allegations listed below. I understand that the minimum and maximum penalties for the charges to which I am pleading guilty or not guilty are listed below

Prior Custodial Term

I understand that if I am sentenced to any correctional custodial facility, the penalty for any future felony conviction may be increased as a result of my incarceration in this case.

Right To Counsel

I understand that I have the right to a counsel of my choice to represent me throughout the proceedings. If I cannot afford to hire a counsel, the Court will appoint one to represent me. I hereby give up my right to be represented by a counsel.

Other Constitutional Rights

I understand that I am entitled to each of the following rights as to the charges listed in item 1

i. Right to a Court Trial

I understand that, have a right to a speedy and public trial. 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.

ii. Right to Confront and Cross-Examine Witnesses

I understand that I have the right to confront and 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, and my counsel may question them.

iii. Right to Remain Silent and not to Incriminate Myself

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.

iv. Right to Produce Evidence and to Present a Defence

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 favorable to me, at no cost to me. I also have the right to testify on my own behalf.

BEFORE THE PLEA

Discussion with My Counsel

Before entering this plea, I have had a full opportunity to discuss the following with my counsel regarding:

- a. the facts of my case;
- b. the elements of the charged offenses, prior convictions, enhancements, and special allegations;
- c. any defense that I may have;
- d. my constitutional and statutory rights, and waiver of those rights;
- e. the consequences of this plea, including the immigration consequences; and
- f. anything else I think is important to my case.

Questions

I have no further questions of the Court or of my counsel with regard to my plea and admissions in this case, any of the rights, or anything else on this form.

Medications or Controlled Substances

I am not taking any medication that affects my ability to understand this form and the consequences of my plea. I have not recently consumed any alcohol or drugs, and am not suffering from any medical condition, except for the following:

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

THE PLEA

I offer my plea freely and voluntarily with full understanding of everything in this Form.

Except as listed in this Form, no one has made any promises, made any threats, or used any force against either me, my family or my loved ones in order to convince me to make my plea.

I understand that the court is required to find a factual basis for my plea to make sure that I am entering a plea to the proper offenses under the facts of the case.

I freely and voluntarily plead GUILTY/NOT GUILTY to the charges listed on **page 1** and admit the allegations listed on page 1, understanding that this plea and admission will lead to the penalties listed on pages 1 and 2.

AFTER THE PLEA

Surrender

I understand that the court is allowing me to surrender at a later date to begin serving time in custody. I agree that if I fail to appear on the date set for surrender or sentencing without a legal excuse, my plea will become an "open plea" to the court, I will not be allowed to withdraw my plea, and I may be sentenced up to the maximum allowed by law.

Sentencing Court

I understand that I have the right to be sentenced by the same judge or commissioner who takes my plea. I give up that right and agree that any judge or commissioner may sentence me.

Sentencing Date

I understand, that I has the right to be sentenced within 20 Court days. I give up that right and agree to be sentenced at a later date.

DEFENDANT’S(s) STATEMENT

I have read or have had read to me this Form and have marked each of the items that applies to my case.

If I have a counsel and I have discussed each item with my counsel.

I am indicating that I understand and agree with what is stated in each item.

The nature of the charges, possible defence and effects of any prior convictions have been explained to me.

I understand each of the rights outlined above, and I give up each of them to enter my plea.

Defendant Signature:

Date:

COUNSEL'S STATEMENT

I am the Counsel on record for the Defendant(s). I have reviewed this form with my client.

I have explained each of the items in the form, including the defendant's constitutional and statutory rights to the defendant and have answered all of his or her questions with regard to those rights and the other items in this form.

I have also discussed the facts of the case with the defendant(s) and have explained the nature and elements of each charge any possible defence to the charges; the effect of any prior convictions and the consequences of the plea. I concur with the plea and admissions, and join in the waiver of the defendant’s(s) constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea.

I concur with the plea and admissions, and join in the waiver of the defendant’s(s) constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea.

I concur with the plea and admissions, and join in the waiver of the defendant’s(s) constitutional and statutory rights, and I hereby stipulate that there is a factual basis for the plea.

Counsel's Signature:

Date:

INTERPRETER'S STATEMENT

(Specify language below)

I, having been duly sworn or having a written oath on file, I certify that I truly translated this form to the Defendant(s) in the language he understands as noted below.

The Defendant(s) stated that he or she understood the contents on the form and signed the form.

Language:

INTERPRETER'S NAME:

INTERPRETER'S SIGNATURE:

DATE:

PROSECUTOR'S STATEMENT

I have read this form and understand the terms.

PROSECUTOR'S NAME:

SIGNATURE:

DATE:

COURT'S FINDINGS AND ORDER.

The court, having reviewed this form (and any addenda), and having orally examined the defendant(s), finds as follows:

- a. The defendant has read or has had read to him and understands each of the item in this form.
- b. The defendant understands the nature of the crimes and allegations against him and the consequences of his plea and any admission(s).
- c. The defendant(s)'s plea, admission(s), and waiver of right(s) are made freely and voluntarily.
- d. A factual basis exists for the plea and admission(s).
- e. The court accepts the defendant's(s) plea.

It is ordered that this document be filed with the court's records of this case and that the defendant's(s) plea, admission(s), and waiver of right(s) be accepted and entered in the minutes of this court.

Additional Findings and/or Orders if any:

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

JUDGE'S/MAGISTRATE'S/ALKALI'S NAME:

SIGNATURE:

DATE:

SCHEDULE TWO: PLEA BARGAIN AGREEMENT

- i. This plea bargain agreement shall be in writing.
- ii. All parties shall complete this form as far as is practicable in compliance with the Rules, immediately after the plea bargain agreement is reached.
- iii. The Judge/Magistrate/Alkali shall ensure that the Defendant(s) is represented by Counsel throughout the plea bargain agreement process.
- iv. The Defendant(s) Counsel shall explain the terms of the agreement to the Defendant including his constitutional and statutory rights and answer all of his questions with regard to those rights before the Defendant signs the form in agreement.
- v. Each of the parties shall be given a completed and signed copy of this agreement.
- vi. The original copy is to be kept in the court's file.
- vii. The Attorney General and Commissioner for Justice Kaduna State must endorse each plea bargain agreement before it is presented to the Court.
- viii. Plea Bargain Agreements shall not be entered in capital offences and sexual offences.

PLEA BARGAIN AGREEMENT FORM

NAME:

.....

D.O.B:

ADDRESS:

.....

CASE NO:

PURSUANT TO SECTION 269 OF THE KADUNA STATE ADMINISTRATION OF CRIMINAL JUSTICE LAW 2017 AND ORDER 24 OF THE ADMINISTRATION OF CRIMINAL JUSTICE RULES OF KADUNA STATE, 2024.

- 1. **WHEREAS**, the Defendant has been in the correctional 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 269 of The Kaduna State Administration of Criminal Justice Law 2018.

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.

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, 2024.

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

*Victim/Victim's Representative
Signature & Name*

(Defence Counsel's Signature & Name)

.....
Director of Public Prosecutions

.....
Hon. Attorney General and Commissioner for Justice

SCHEDULE THREE: VIRTUAL HEARING FORM

Case Number:

Name of Court:

Name of Party Requesting Virtual Hearing:

Date:

1. I/We, the undersigned, hereby request that the hearing in the above-captioned case be conducted virtually.

2. The following documents are attached to this form:
 - a. A copy of the charge or information;

 - b. A copy of the Court order granting bail to the accused person, if applicable;

 - c. A copy of the witness list;

 - d. A copy of the list of exhibits;

 - e. A statement of the reasons why the party is requesting a virtual hearing;

 - f. A copy of the proposed virtual hearing plan.

3. The reasons why the party is requesting a virtual hearing are as follows:
 - a. The accused person is in custody and cannot travel to the Court for the hearing;

 - b. The witnesses are unable to travel to the Court for the hearing;

 - c. The parties agree that the hearing should be conducted virtually;
and

d. The Court has the necessary facilities to conduct a virtual hearing.

4. The proposed virtual hearing plan is as follows:

a. The hearing will be conducted using the Zoom video conferencing platform;

b. The hearing will be scheduled for [date and time];

c. The participants in the hearing will be the Court, the parties, and the witnesses;

d. The technical requirements for the hearing are as follows:

i. the Court will provide the video conferencing link to the parties;

ii. the parties will ensure that they have access to the video conferencing platform;

iii. the witnesses will be provided with the video conferencing link by the parties; and

iv. the witnesses will ensure that they have access to the video conferencing platform and that they have a working microphone and webcam.

I/We understand that the Court may grant or deny my/our request for a virtual hearing.

I/We agree to abide by the Court's decision on my/our request for a virtual hearing.

[Signature of Party Requesting Virtual Hearing]

[Date].....

SCHEDULE FOUR: CASE PROGRESS REPORT

1. The Case Progress Report shall be filed by the parties not later than Thirty (30) days before the scheduled date of trial.

2. The Case Progress Report shall contain the following information:
 - i. **Case Number:**

 - ii. **Name of Court:**

 - iii. **Names of Parties:**

 - iv. **Date:**

 - v. **The status of the case**

 - vi. **The progress made in the preparation for trial**.....

 - vii. **Any outstanding issues that need to be addressed**.....

 - viii. **The date which the parties expect the trial to be concluded**.....

3. The Case Progress Report shall be signed by the parties and their counsel.

SCHEDULE FIVE: CASE CLOSURE REPORT

1. The Case Closure Report shall be filed by the parties not later than Thirty (30) days after the conclusion of the trial.

2. The Case Closure Report shall contain the following information:
 - a. **Case Number:**

 - b. **Name of Court:**

 - c. **Name of Parties:**

 - d. **Date:**

 - e. The outcome of the trial.....

 - f. The sentence imposed, if any.....

 - g. Any outstanding issues that need to be addressed.....

 - h. The date by which the parties expect the case to be closed.....

3. The Case Closure Report shall be signed by the parties and their counsel.

SCHEDULE SIX: RECORDS MANAGEMENT POLICY

1.0 Records Management Policy

1.1 Purpose and Context

1.1.1 The purpose of this policy is to ensure that the High Court's records are:

- appropriate to meet its judiciary needs and the needs of its stakeholders;
- managed in an efficient and effective manner; and
- authentic, trustworthy, and accessible.

1.1.2 This policy clearly defines responsibility and accountability for records and ensures that staff are provided with the resources, knowledge, skills, and procedures required to create and manage authentic and reliable records.

1.1.2 This policy also ensures that the High Court's recordkeeping practices comply with legal and regulatory requirements. This policy is subject to the provisions of the following legislation and regulations.

1.1.2.1. Data Protection Act 2020, incorporating the GDPR

1.1.2.2 Freedom of Information Act 2011

1.1.2.3 Environmental Information Regulations 2011

1.1.2.4 Reuse of Public Sector Information Regulations 2011

1.1.3 This includes an obligation under the Freedom of Information Act 2011 (Code of Practice on the Management of Records) to have a policy in operation for records management.

1.1.4 In addition, Judiciary functions and activities within the Magistrate, Shari'a, Customary and High Courts are also subject to legislation or regulations, or to best practice and relevant ethical guidelines, that impact on recordkeeping. This includes, but is not limited to:

1.1.5.1 Personnel activities regulated by employment law;

1.1.5.2 The assurance of health and safety regulated by health and safety legislation, and its guidelines.

1.1.6 The Courts will, so far as is practicable, also seek to comply with professional standards and codes of practice including:

- 1.1.6.1.1 ISO 15489-1:2016, the international standard on records management;
- 1.1.6.1.2 The Records Management Code of Practice for Health and Social Care 2021; and
- 1.1.6.1.3 Other codes of practice and guidance material issued by the Information Commissioner.

The Courts will also work with other higher education institutions and relevant public authorities with the aim of benefiting from best practice experience in the area of Records Management.

1.2 Scope

1.2.0 This policy applies to (Court Filing, Archiving & Retriever Procedures):

- All records, in any format, created, received, or maintained by staff of the institution in the course of carrying out their Judiciary functions; this includes records held in digital and paper format;
- All applications and systems used to create, manage and store records; and
- All staff and affiliates who have access to Court records and information.
- Records and documentation created in the course of practice, whether internally or externally, are also subject to contractual recordkeeping requirements.

2.0 Introduction

2.1 The Court operates records management procedures and practices to maintain, protect, retain, and dispose of records in accordance with operational, legislative, regulatory, and historical needs.

2.2 Records are defined as documents, information or data created, received, and maintained as evidence and information by the Court in pursuit of its legal obligations and in the transaction of its business.

2.3 Records must comprise sufficient content, context, and structure to provide evidence of the activity they relate to or come from. They will contain information that is worthy of preservation in the short, medium, or long term. As such they must be appropriately managed throughout their lifecycle.

2.4 The Court recognizes that good records management:

- Promotes efficiency and effectiveness – supporting employees to easily find information needed in the course of their work;
- Produces reliable and valuable information that is kept secure;
- Provides a clear audit trail of activity;
- Protects individuals and the Court – providing evidence of people's rights and entitlements and showing what the Court did and why;
- Gives records a high value as evidence if they are needed in a court of law;
- Reduces costs, particularly physical and virtual storage space – reducing duplication and helping staff not to keep any more records than necessary and to know when records can be destroyed; and
- Ensures that the Court's corporate memory survives – transferring historically significant records to the Court's Archive at the Records Centre.

3.0 Policy Statement

- 3.1 The Court will treat the information located in its records as a valuable resource. Records will be managed to aid efficient information retrieval, in order that they can be used as effective sources of information. Records which are vital for judiciary continuity will be identified.
- 3.2 All staff are responsible for recordkeeping, and records will be created, maintained and disposed of in a consistent way across the Court's using the Court's Retention and Disposal Schedule.
- 3.3 The Court will maintain quality by keeping appropriately complete, authentic, reliable, secure and accessible records of what it does.
- 3.4 The Court will encourage staff to develop key information management skills.
- 3.5 The Court's records and information will comply with regulations and legal requirements, including making information accessible to others as necessary, as well as protecting information from inappropriate or unauthorized access.

4.0 Records Management Systems

4.1 The following principles apply to all systems which hold the Court's records, whether hard copy or electronic:

- **The record is present.** The Court has the information that is needed to form a reconstruction of activities or transactions that have taken place.
- **The record is accessible.** Information can be located, accessed and displayed in a way that is consistent with initial use, and the current version is identified where multiple versions exist.
- **The record can be interpreted and the context of the record can be established.** It is clear who created the document and when, during which process, and how the record is related to other records.
- **The record can be trusted.** The record reliably represents the information that was actually used in, or created by, the judiciary process, and its integrity and authenticity can be demonstrated.
- **The record can be maintained through time.** The qualities of accessibility, interpretation and trustworthiness can be maintained for as long as the record is needed, perhaps permanently, even if the record is migrated to a newer format or system.
- **The record is only kept for as long as it is needed.** No record is kept beyond its retention period, unless there is a pressing business need to retain it longer.

5.0 Responsibilities

5.1 The Court has a corporate responsibility to maintain its records and recordkeeping systems in accordance with the regulatory environment. The office with the overall responsibility for this Policy is the Office of the Chief Registrar of the State's High Court on behalf of the State's Judiciary, which reports to the Chief Judge of the State's High Court. It is responsible for defining, approving, overseeing, and monitoring Information Management within the Courts. It ensures that the appropriate policies, procedures, and roles are in place to enable compliance with information legislation. It also has responsibility for the dissemination of information, training and promotion of good practice in relation to records management.

5.2 The Deputy Chief Registrars, Judges/Alkalis/Magistrates and Lawyers within the Court system have overall responsibility for the management of records generated by their activities i.e., for ensuring that records controlled within

their Courts or services are managed in a way which meets the Court's Records Management Policy.

- 5.3 The Court's Records Management Custodian is responsible for liaising with the Chief Registrar for providing and regularly reviewing policy, procedure, guidance, support, and training to court clerks / registrar, and for the monitoring of standards.
- 5.4 All Court staff who create, receive, and use records have records management responsibilities. Individual employees must ensure that the judicial functions and activities for which they are responsible are documented and recorded appropriately. They must also ensure that the records they create and for which they are responsible are:
- Fit for purpose;
 - Accurate;
 - Appropriately secure;
 - Accessible in both the intellectual and physical sense to those with a right to see them; and
 - Maintained and disposed of in accordance with the Court's records management guidance of which the Retention and Disposal Schedule forms a part.
- 5.5 The Chief Registrar has a particular responsibility in ensuring that the Court corporately meets its legal responsibilities with regards to information governance. The Freedom of Information Officer co-ordinates the Court's response to requests for information, including disclosure of records under the Act. The Data Governance Policy shall govern how records containing personal data are handled. This policy should be the first point of reference for those with questions about this aspect of information governance.

6.0 Dissemination

- 6.1 The Court's Records Management representative in liaison with the Chief Registrar will promote and assist with the implementation of this policy. This will include:
- Providing ad hoc support, advice and guidance tailored to individual needs;
 - Maintaining a resources bank that staff can access;
 - Providing training sessions via the Staff Development

- program, including induction and refresher sessions;
- Developing and supporting the Court's electronic document and records management system;
 - Providing advice and support on implementation of other systems holding Court's records, where required; and
 - Monitoring compliance with this policy.

6.2 This policy will be held within the electronic document and record management system and will be published on the Court's Policies and Procedures web page.

SCHEDULE SEVEN

Data Governance and Management Policy

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1.0. Overview of the Data Governance and Management Policy

The data governance and policy framework provide essential data use processes, infrastructure, ensuring data quality and privacy, data ownership, and user guidelines for each of the affected users, including leaders and management, operational staff at the Department of Public Prosecution (DPP) Ministry of Justice, Registry of the Magistrate, Shari’a, Customary and High Courts.

1.1. Scope of the Policy Framework

The policy covers the activities and use of case data from case inception to case closure, including the resulting performance data, reports, and overdue list of cases (s), as well as other types of data sets and narratives that may be produced in the course of the case management's day-to-day activities, performance evaluation, and processes that lead to the efficient administration of criminal justice.

As a result, the policy applies to all Kaduna State Judiciary and Ministry of Justice workers, management, and leadership in relation to their institutions' unique case data and data/information either through the central case tracking system via digital or manual platforms, among other likely/relevant ways.

1.2. Core Values/principles

The Kaduna State ministry of justice and judiciary commits to accountable practices across their case management system processes in compliance with the Administration of Criminal Justice Law 2017, institutions core policy and practice directions and the following set of core values

1.2.1. Correct

That the case data inputted into the system is same to the information in the real case file, and that the scanned case file connected to each case data is same to the case data updated into the system. The institutions must implement methods to ensure that case data is validated on a regular basis as a result of this.

1.2.2. Up to date

Ensure that case data is updated and uploaded into the digital case management register on a regular basis. As cases are received and actions are done on each one of the individual or group cases received and managed by the institution, this includes ensuring that cases are updated, and scanned case files are put into the register.

1.2.3. Accurate

That the system's outputs, such as reports, performance data, overdue lists, and/or any other type of outcome, accurately reflect the system's information/case data as of the date and time of production of such performance data/outputs.

1.2.4. Data Usage, Record Keeping and Evidence Management

That the institutions recognize that proper use of individual and group case data (including evidence and exhibits data/details) from case capture, management, storage, use, and protection of case data in all formats supports, enhances, and protects the interests of the institutions, suspects, victims, and other stakeholders directly and indirectly involved in each case, and facilitates data-driven, informed decision-making and efficient criminal justice administration.

Most significantly, the case management system (case data/register, physical and electronic case files, exhibits and evidence management) is consistently maintained and managed using techniques that assure accountability, sustainability, and adherence to best practices.

2.0. Definition of Terms

This section of the data privacy and policy document provides the necessary definitions, acronym, and descriptions of words used throughout the case management system's daily operations.

s/n	Items	Meaning
1	Case Management System (CMS)	This comprises all procedures, workflows, case data and case management registers, as well as the systems architecture and tools that help/support case data capture, data management, processing, and report production, as well as data storage.
2	Case Management Register (digital CMR)	The digital case management register is a clone of the existing manual case management register, which has been examined and updated in some cases, for the goals of facilitating case tracking, performance evaluation, and assisting quick access to justice.
3	Case Files	The file folder where every case documents and details are stored
4	Cloud Storage	An online warehouse/storage platform for storing digital data/information across different formats
5	Criminal Process Registry (Unit)	The department responsible for receiving, and processing case files of cases received by the Magistrate, Shari'a, Customary and High courts before they are assigned to specific courts.
6	Department of Public Prosecution Registry (DPP-Registry)	The department responsible for receiving cases files from the police, processing of case files for legal advice/opinion, assignment of prosecution, case discharge and/or engaging the police for further investigation.
7	Domain Name	The online web name of the case management system that allows users to access the system regardless of location through internet using assigned username and password Judiciary – www.psjudiciary.gov.ng Ministry of Justice – www.psmoj.gov.ng
8	Data Quality	Data quality means an assessment about data's fitness for purpose in a particular context. Data quality management means the processes in place to manage the accuracy, validity, completeness, consistency and timeliness of data
9	Evidence	Documents, items, or any other form of details accompanying the case files that serves as evidence or exhibit for the crime and filed alongside the case file.
10	Physical Data	Information and data set available in the case file/case files and/or outputs (datasets) produced from the digital register
11	Policy and Practice Direction	Sets of duration/time standards that regulates and measures cases progress as stipulated in the Administration of Criminal Justice Law 2017, and these Regulations

3.0. Policy and Practice Direction

A series of consultations with each of the institutions, as well as best practices aligned with existing legal frameworks such as the Administration of Criminal Justice Law 2017, led to the following policy and practice directions in the form of duration/time standards for delivering a

specific set of activities/functions from case reception to case closure, for the purposes of efficiency and effective use of performance data to facilitate speedy administration of criminal justice.

Failure to meet the stipulated standards guides the digital system to classify and produce such cases as overdue for such activities, acting more like a red flag system requiring immediate action. This set of duration/time standards, as well as its outputs (overdue case list), provides the necessary set of data to enable each institution's authority to objectively handle the backlog of cases and difficulties that delays case progress.

3.1. Judiciary's Policy and Practice Direction [Duration/Time Standards]

s/n	Key Activities/Functions	Policy decisions	Implications
1	Time from receipt of Info & proofs from DPP/Charge from Police to ACR for Review	Maximum of 3days	Cases above this time standards/durations are classified as stalled or delayed cases Overdue cases
2	Average no. of days for ACR/Process Unit to review and dispatch case file to the Chief Judge/Admin Judge	Maximum 3 days	
3	Average no. of days for assignment of the case file to Court of Trial	Maximum 3 days	
4	Average no. of days, from the assignment of the case file to a court to the First Hearing.	Maximum 20 days	
5	Days from first hearing to the final hearing	180days – ACJ Law	

3.2. Ministry of Justice Policy and Practice Direction [Duration/Time Standards]

s/n	Key Activities/Functions	Policy decision	Implications
1	Maximum no. of days to assign case file for legal opinion by DPP	3 days	Cases above this duration and time standards are classified as stalled or delayed cases 'Overdue Cases'.
2	Maximum no. of days to prepare Legal Opinion by the DPP and assigned counsels	14 days	
3	Preparation of Information and Proof of Evidence	7 days	
4	Effecting/completing discharge of Cases	3 days	
5	Case Filing in Court for Prosecution	3 days	
6	Effecting request for more information on cases files by the Police	3 days	

4.0. Data Management and Use

4.1. **Data Governance** – The institutions' leadership and administration, including in this situation, the Chief Judge, the Honorable Attorney General, and their delegated authorities, are responsible for continuing to give the required data governance directions. The examination, updating, and alignment of governance policies and procedures to existing and upcoming advances that promote the institutions' best interests while supporting data quality, privacy, and the efficient administration of criminal justice may be included in this scenario.

4.2. Overview of Roles.

- 4.3.1. While the Chief Judge and Honorable Attorney General are responsible for providing data governance leadership and guidance, it is the responsibility of other heads of courts such as the Grand Khadi and President of the Customary Court of Appeal and their delegated authorities and day-to-day users of case data, such as the Head, Department of Public Prosecution, (DPP), High Court Judges, Alkalis, Magistrates, Customary Court Judges, Chief Registrar, Director of Litigation, Director of ICT Department, and Head of Prosecution Team(s), to enforce the data governance and privacy policy.
- 4.3.2. The in-charge CMS Unit, which is nominated/assigned/delegated by the institutions' leadership and policy enforcers, acts as a stopgap for communicating, sensitizing, and engaging operational staff, including Case Management Unit personnel at the DPP registry, criminal cases registry/unit, courts, prosecutors, and office of the director of litigation, among others, on the dictates, policies, and practices direction as detailed in this governance policy.
- 4.3.3. Personnel from the CMS Units at all levels of each institution must adhere to the data use standards, which include ensuring data protection and privacy, system security, including taking necessary precautions to protect passwords, physical and cloud system infrastructure, and reports generated by the system.
- 4.3.4. When institution personnel are expected to update case data or use the system via their private/personal IT infrastructure, such as mobile phones and/or computers, the affected individual is expected to take extra precautions to protect access points and passwords from accidental or intentional release/use by authorized persons.
- 4.3.5. Each of the institution will need put in place/strengthen its IT infrastructure team that will ensure that appropriate measures like data back up and data synchronization between the online and the local server is regularly done.
- 4.4. **Data and Systems Ownership** - Whether donated by third parties or purchased by the institution, all physical and cloud-based infrastructure (including case data, case management register and case files) that supports, hosts, and processes the case data to produce required outcomes remain the property of that specific institution [Ministry of Justice or Judiciary, as the case may be].
- 4.5. Authorization to delete, adjust, update, or change any case data already captured/inputted into the system for over a period of 3-working days shall be the responsibility of the In-charge CMS Unit. such request by other persons within the institution shall be formally addressed using the sample template below

Authorization and Request for Case data change/adjustment template

Request by	Name of the person(s) requesting such changes
Date of Request	
Addressed to	E.g., in-charge CMS Unit, DPP and or Director of Litigation or any other delegated authority

Requested changes and /or issues to review	
Approval Authority	Approved or not and by who?
Date of Approval	
File Number	No. of the case file/case no
Comments	Any other comments or issues to note

Note – the request, approved or not is/are to be stored in the case file of that case as well as scanned and saved as part of the case document attached to the case file and stored electronically.

5.0. Data Security and Access.

- 5.1. While information about any case (case data) may be available in the public domain through the defense, lawyers, and/or public defenders, people watching and/or participating in case court trial sessions, or even the media via Freedom of Information Act requests for case data, every case data as received, captured, and processed by the digital case management register to produce required/stipulated case outputs, including performance data, overdue lists, reports such as the National Judicial Council Reports, and other similar information is entitled to be protected and made accessible to parties other than the existing authorized parties only with written authorization from the institutions' leadership and/or delegated authorities. – In this Case the Office of the HAG and Chief Judge/Grand Khadi/President of the Customary Court of Appeal and/or Chief Registrar.
- 5.2. Institutional data (Case data) is essential and referred to as internal information, classified and it is expected to be treated as such at all levels of the case management system. and records/case data, evidence/exhibits must be stored in a secure, safe, and accessible locations for authorized personnel

6.0. Code of Conduct

- 6.1. Upon cessation of their job, duties, and tasks, institution staff shall protect the confidentiality, integrity, and security of case data, case registers, and reports.
- 6.2. Case data, case registers, and resulting reports must be managed in accordance with the Data Governance and Privacy Policy by staff/institutions persons.
- 6.3. Staff/institution personnel shall not improperly benefit from, or seek to benefit from, any case data, case register, or performance data from the system that they may have access to as a result of their access to the system, duties, or functions. This could be considered corrupt behavior.
- 6.4. By collecting and managing personal information in accordance with the core values and dictates of the governance and privacy policy, staff/institutions personnel must respect the personal privacy of all individuals, suspects, victims, witnesses, officers of the law, and/or personnel of the Kaduna State Judiciary, Ministry of Justice, and other relevant stakeholders.
- 6.5. Staff/institutions personnel must be aware of the policy and practice direction's duration/time standards, as well as their roles and responsibilities in ensuring that case data and reports are captured and used in a way that promotes speedy,

accountable and efficient access to justice for all parties, regardless of gender, religion, state of origin, tribe, or any other socio-demographic factors that may define such person(s).

- 6.6. Reports and performance data, particularly those relevant to stalled cases and delays, (referred to as overdue cases) must be produced on time, and made available to appropriate authorities for decision-making and action.

7.0. Use of Service Providers and /or Consultants/Contractors – Including Cloud System.

The relevant data and/or information system must ensure that when a service provider is acquired to host, including to capture, use, store, retain, and/or dispose of records with, or on behalf of, the institution (Ministry of Justice and Judiciary), including where service providers host an information system or provide software or cloud storage, that:

- 7.1. the Institution retains ownership of the case data, right of access to its case data, and reports in all/across formats
- 7.2. case data, case files and reports are captured, stored, and managed in line with this policy and most align with existing Administration of Criminal Justice Law 2017 among other relevant policies.
- 7.3. relevant data governance and management policy obligations equivalent to the standards and practices outlined in this policy are imposed on the external party through an enforceable contact person, and
- 7.4. the external party's compliance with such standards is/are monitored to ensure the obligations are being met.
- 7.5. Case data, registers, reports, and/or any other type of information accessible or available within the storage system are the sole property of the institution (Ministry of Justice and Judiciary) and thus cannot be accessed, taken, or used for any purpose without written permission from the institution's leadership and/or delegated authorities.

8.0. Physical Storage System

- 8.1. The institution is committed to providing secure, safe, and long-term physical case file storage infrastructure, which includes case files, file cabinets, secured office space, office lock systems, and office within locations that are not open to the public for day-to-day activities and access to case data.
- 8.2. Closed case files must be stored, and archived in a safe, secured, orderly and accessible location by authorized persons and must be always regarded as the property of the institution
- 8.3. The location of physical case data and files must be documented and kept up-to-date. and
- 8.4. All physical case files must be handled and stored with care to prevent deterioration, damage or loss.
- 8.5. No case file or data is/are to be disposed without written authorization from the institutions leadership/management

9.0. Policy Ownership and Support

9.1. Policy owner — each institution's leadership and management retain the right to examine, amend, update, and discard any element or sections of the governance and privacy policy. (*As it relates to their unique and specific use of case data etc.*)

9.2. Policy Support — The In-Charge CMS and/or ICT Unit and other relevant officers are to give the necessary assistance in implementing, reviewing, updating, and always enforcing the policy. Requests for any policy change or removal must be approved in writing by the policy owner

**SCHEDULE 10: PRACTICE DIRECTION ON REMAND PROCEEDINGS
PRACTICE DIRECTION KADUNA STATE FOR EFFICIENT
IMPLEMENTATION OF REMAND PROCEEDINGS UNDER THE
ADMINISTRATION OF CRIMINAL JUSTICE LAW 2017**

**TITLE: PRACTICE DIRECTION FOR EFFICIENT IMPLEMENTATION OF
REMAND PROCEEDINGS UNDER THE ADMINISTRATION OF
CRIMINAL JUSTICE 2017.**

PREAMBLE

In exercise of the powers conferred on me by section 259 of the Constitution of the Federal Republic of Nigeria, 1999, section 490 (b) and (g) of the Administration of Criminal Justice Law 2017 and all other powers enabling me in that behalf, I, Hon. Justice, Tukur Muazu Aliyu Honourable Chief Judge of Kaduna State, make the following Practice Directions -

[xxxx xxxx 2024]

Commencement:

ORDER 1- OBJECTIVES AND GUIDING PRINCIPLES

1. The objectives of these Practice Directions are to -

- (a) ensure effective implementation of the provisions of the Law relating to remand proceeding;
- (b) prevent abuse of the procedure by ensuring that suspects are detained only in deserving cases;
- (c) prevent congestion of correctional centres arising from arbitrary use the remand proceedings;
- (d) decongest correctional centres and detention facilities by providing for release of suspects that are unlawfully detained under the remand proceedings;

ORDER 2-APPLICATION OF PRACTICE DIRECTION

These practice directions shall apply to the Courts when considering any request for remand order brought pursuant to Part XXXI of the Administration of Criminal Justice Law 2017.

ORDER 3-POWER TO REMAND

1. The power to remand a suspect pursuant to provisions of Part XXXI of the Law may be exercised by Magistrates, Alkalis, Customary Court Judges and Judges of the High Court.
2. The power to remand a suspect under Rule 1 of this Order shall be limited only to suspects arrested for offences which a Court in Kaduna state has no jurisdiction to try.
3. Where the offence is one which a Court has jurisdiction to try, the Court shall be precluded from exercising its power under Rule 1 of this Order and shall instead regard any proceedings for remand brought before it as an application for bail made pursuant to section 33 of the Law and shall where it considers it appropriate, grant bail to the suspect on such conditions that will ensure the availability of the suspect when required for arraignment or further investigation as the case may be..
4. Where in exceptional circumstances, the Court considers granting bail, considering the nature of the offence, he shall exercise due caution and act in accordance with Part XX of the Law.
5. For the purposes of section 306 (1) of the Law, the remand proceeding shall abate where the suspect is charged and arraigned in court

ORDER 4-TIME FOR MAKING APPLICATION FOR REMAND

1. An application for remand should be brought within 48 hours or within a reasonable time of arresting the suspect
2. The period referred to in Rule 1 of this Order shall exclude weekends and public holidays.

ORDER 5-MODE OF APPLICATION FOR REMAND

1. The application for remand shall be made exparte in the prescribed "Report and Request for Remand Form" using the specimen Form 8 in the First Schedule to the Law which shall be accompanied by –
 - a. an affidavit verifying the facts contained therein and stating the reasons for the request for remand; and
 - b. copies of the statement of the suspect and witnesses referred to in Form

ORDER 6- REQUIREMENTS FOR REMAND

1. Before granting an application for remand, the Court shall examine the application and in addition to the requirements in section 306 (2) of the Law shall satisfy itself that-

- a. the act or omission the suspect is arrested for constitutes an offence in the Kaduna;
- b. the offence the suspect is arrested for is one which a Court has no jurisdiction to try;
- c. the arrest of the suspect was lawful;
- d. where there is a confessional statement, the procedure prescribed in the Law were followed in obtaining the statement;
- e. the available evidence establishes a prima facie case that an offence has been committed and that the suspect is sufficiently linked in the commission of the offence;
- f. the remand is necessary pending receipt of legal advice from the Attorney-General of Kaduna State or further investigation; and
- g. the suspect had not been previously remanded by the court on account of the same offence.

2. The Court may order the production of the suspect before it if it considers it necessary for the purpose of determining the requirements for remand as stipulated in Rule 1 of this Order.

3. Where the requirements in Rule 1 of this Order are not satisfied, the Court may grant bail to the suspect pursuant to the provisions of Part XX of the Law.

4. Where the requirements in Rule 1 of this Order are satisfied, the Court may order the remand of the suspect.

ORDER 7-INITIAL ORDER FOR REMAND

1. The initial order for remand of a suspect shall be for a period not exceeding 21 days.

2. The order referred to in Rule 1 shall -

a) state a return date which shall fall within the 21 days of the remand; and

b) require the Nigerian Correctional Service, or any detaining authority to produce the suspect in Court after 21 days of remand unless there is an order for extension of the remand.

3. The Judge, Alkali, Magistrate or Customary Court Judge may impose such condition including that the defendant be represented at the subsequent hearing.

ORDER 8-SUBSEQUENT ORDERS FOR REMAND

1. The grant of application for extension of remand is at the discretion of the Court and shall not be made as a matter of course.
2. Every application for extension of remand shall state the ground for the extension and provide facts or evidence that justify the request for extension of remand.
3. The Court shall not extend a remand period for more than twice and the remand period shall not exceed 14 days on each extension.
4. A suspect shall not under any circumstance be detained cumulatively beyond 49 days.

ORDER 9-DETENTION OF SUSPECT BEYOND THE PERIOD OF REMAND ORDER

1. Where the initial period or the first extension of remand has expired and there is no application for extension or arraignment of the suspect, the Court may either –
 - a) grant bail to the suspect; or
 - b) issue a notice to the relevant authority under section 308 ACJL to appear and justify the continued detention of the suspect.
2. Where a suspect has been detained or remanded cumulatively for a period exceeding 49 days without arraignment in the appropriate Court, the Court shall with or without an application discharge the suspect.

ORDER 10- OBLIGATION OF JUDICIAL OFFICERS TO REPORT A REMAND ORDER

The Judge, Magistrate, Alkali and Customary Court Judge shall keep a register of all remand orders granted which shall be submitted on the last working day of each month to the Chief Judge/Grand Khadi/President of the Customary Court of Appeal through the Deputy Chief Registrar 1 and the Administration of Criminal Justice Monitoring Committee shall have power to consider all the registers submitted to the Chief Judge.

ORDER 11-RESTRICTION ON APPLICATION FOR REMAND

The Court shall not entertain an application for remand in respect of an offence for which the suspect had previously been subjected to remand proceedings and granted bail or discharged by the Court after expiration of the extended remand period or for failure to show good cause for continued remand of the suspect.

ORDER 12-APPLICATION BY NIGERIAN CORRECTIONAL SERVICE

1. Where a suspect is held in custody in any custodial centre or other place of detention in pursuance of a remand order, the Controller or superintendent in charge of that custodial centre may at the expiration of the period of the remand order or at any other time during the detention of the suspect, bring an application in writing to the Court that made the order for review of the order and for appropriate direction.
2. The application shall be made using the Nigeria Correctional Services Form 1 (Expired Pre-Charge Remand Order) and the Court shall be furnished with necessary, facts or information to enable it take appropriate action.
3. The Court shall upon such application review the order and may where appropriate grant bail or discharge the suspect or make such other order as it considers appropriate.
4. The Nigeria Correctional Service and or other place of detention shall keep a register of all remand orders granted which shall be submitted on the last working day of each month to the Chief Judge/Grand Khadi/President of the Customary Court of Appeal and the Administration of Criminal Justice Monitoring Committee shall have power to consider all the registers submitted.

ORDER 13-POWER TO DESIGNATE THE SITTING OF COURTS

1. The Chief Judge/Grand Khadi/President of the Customary Court of Appeal shall have power to designate the sitting of courts within Kaduna state for the purpose of considering and deciding on an application made for a remand order.
2. In designating courts for this purpose, the Chief Judge/Grand Khadi/President of the Customary Court of Appeal shall have regards to the expedience of each case, the desirability of the courts presence in whatsoever

place it has been so designated to sit, the number and condition of the detainees in detention and the overall circumstance of each case.

3. The Chief Judge/Grand Khadi/President of the Customary Court of Appeal shall specify in the order designating such court(s), the name of the Judge/Magistrate/Alkali so designated, the location to which he has been designated to sit and the number of days such designation is to last.

4. For the purpose of the proceedings for which the Judge/Alkali/Magistrate has been designated, the place where he sits to entertain and consider the application(s) for remand shall be deemed to be a court.

ORDER 14 - PARTICULARS OF A REMAND ORDER

1. Where a court grants a remand order, the following shall be included on the face of the remand order:

- a. reference number of the case;
- b. the name of the judicial officer granting the remand order;
- c. the name of the suspect remanded;
- d. the name of the agency seeking the remand order;
- e. the name of the prosecutor who made the application;
- f. the offence for which the suspect has been remanded;
- g. the date the remand order was granted;
- h. the date when the order lapses;
- i. the date the case is adjourned to; and
- j. the venue for the hearing of the adjourned case.

2. Upon the grant of the remand order, the court shall furnish the suspect or a representative of his choice and a representative of the institution in which the suspect is to be remanded with a copy of the remand order.

3. The Administration of Criminal Justice Monitoring Committee upon receipt of the remand order from the court pursuant to order 5 shall maintain a register of the remand orders issued or granted in Kaduna for the purpose of monitoring the review process and ensuring compliance with the relevant provisions of the Law in section 305 - 311.

4. The Administration of Criminal Justice Monitoring Committee shall submit monthly report of her register of remand order to the Chief Judge/Grand Khadi/President of the Customary Court of Appeal for necessary action.

ORDER 15-AUTHORITY OF THE COURT TO ACT SUO MOTO

The Court which has made an order for remand of a suspect may on its own motion and at any time take any step including bail or discharge of the suspect

to ensure that the remand or continued remand of the suspect is consistent with the provisions of Part XXXI of the Law or that the remand does not exceed the prescribed period or generally to prevent abuse of the procedure.

INTERPRETATION

In these Practice Directions, unless the context otherwise requires:

“Chief Judge” means the Chief Judge of Kaduna State;

“Grand Khadi” means Grand Khadi of Kaduna State

“Court” means High Court, Magistrates Court, Shari’a Court and Customary Courts of Kaduna State;

“Kaduna” means Kaduna State;

“Law” means Kaduna State Administration of Criminal Justice Law 2017;

“Controller” means Controller of the Nigerian Correctional Service

“Superintendent” means superintendent of the Nigerian Correctional Service

This Practice Direction shall take effect from theday of.....,2024

(Honourable Justice Muhammad Tukur Mu’azu Aliyu)

Honorable Chief Judge Kaduna State.