

THE CRIMINAL PROCEDURE CODE OF NORTHERN NIGERIA: THE FIRST FIVE YEARS

Five years have now passed since the Criminal Procedure Code of Northern Nigeria came into force and, having regard to the interest and controversy which it aroused, it may be that a review of its working during this initial period may be of interest, particularly to those who remember the article by Mr. Justin Price in the *Modern Law Review* of 1961, which gave rise to subsequent replies and correspondence.¹ It is satisfactory to be able to report that the fears expressed by Mr. Justin Price in his article and by others in a less public and controversial manner have proved to be without foundation. Without foundation, that is to say, unless these fears merely related to change itself, based upon a belief that the English criminal law and procedure and any other directly descended from it are sacrosanct.

For the sake of completeness it may not be out of place to commence this article by reminding readers of the reasons for the introduction of new legislation in 1960. Prior to September 30, 1960, the criminal law and procedure applicable in Northern Nigeria, except in a handful of High and magistrates' courts, was native law and custom, which included Moslem law, and this was applied in over 700 native courts. These courts consisted of alkali courts (in the predominantly Moslem areas), conciliar courts and non-Moslem courts consisting of a President sitting with assessors. These courts varied greatly in powers and jurisdiction (Grade A Moslem courts having even capital powers) and in efficiency and competence. They dealt with the vast majority of criminal work in the Region, and some, though not all, were subject to a right of appeal to the Regional High Court, the Federal Supreme Court (the final court of appeal within the Federation) and the Privy Council.

The position therefore prior to October 1, 1960, was that the law of criminal procedure in the High and magistrates' courts throughout the Federation was that established by the Criminal Procedure Ordinance² whilst criminal procedure in the native courts of Northern Nigeria was regulated by native law and custom which was generally unwritten. It was however felt at the time of independence (October 1, 1960) that there should be in existence in the

¹ See (1961) 24 M.L.R. 604, 612, 616.

² Now the Criminal Procedure Act, Cap. 43 of the 1958 Laws of the Federation of Nigeria and Lagos.

Nigeria Criminal Procedure Code

Sonia Akinbiyi



Nigeria Criminal Procedure Code:

Criminal Procedure and Trials in Nigeria Sonia Akinbiyi, 2002 **Crime, Law and Society in Nigeria** Rufus Akinyele, Ton Dietz, 2019-05-15 This volume in honour of Stephen Ellis is a follow up to the public presentation of his book on the history of organised crime in Nigeria This Present Darkness Hurst 2016 at the University of Lagos Nigeria on 28 October 2016 In addition to four papers and a book review presented at this colloquium other contributions about crime in Nigeria have been added written by Nigerian authors In July 2015 Stephen died and he has worked on This Present Darkness almost to his last moments as a senior researcher of the African Studies Centre in Leiden This book also contains a tribute to his life and work written by his wife and scholar Gerrie ter Haar Contributors include A E Akintayo Jackson Aluede Franca Attoh Ayodele Atsenuwa Edmund Chilaka Samson Folarin Gerrie ter Haar Ayodeji Olukoju Abiodun Oluwadare Paul Osifodunrin and Leo Enahoro Otoide **Islamic Criminal Law in Northern Nigeria** Gunnar J. Weimann, 2010 Annotation In 2000 and 2001 twelve northern states of the Federal Republic of Nigeria introduced Islamic criminal law as one of a number of measures aiming at reintroducing the shari'a Immediately after its adoption defendants were sentenced to death by stoning or to amputation of the hand Apart from a few well publicised trials however the number and nature of cases tried under Islamic criminal law are little known Based on a sample of trials the present thesis discusses the introduction of Islamic criminal law and the evolution of judicial practice within the regions historical cultural political and religious context The introduction of Islamic criminal law was initiated by politicians and supported by Muslim reform groups but its potential effects were soon mitigated on higher judicial levels and aspects of the law were contained by local administrators This title can be previewed in Google Books <http://books.google.com/books/vid/ISBN9789056296551> *Islamic Law Practice and Procedure in Nigerian Courts* Abubakar, Adamu, 2017-05-01 Islamic Law Practice and Procedure in Nigerian Courts is about the rules of practice procedure and evidence in trials of civil and criminal cases before Area Courts Sharia Courts Upper Area Courts Upper Sharia Courts Sharia Courts of Appeal Court of Appeal and indeed Supreme Court of Nigeria in matters concerning application of Islamic law and practice The subject of the book is copiously elucidated for the first time with verity of dictas from the reported cases from superior courts in Nigeria It is of nineteen chapters with a number of parts and paragraphs to make for easy application The book is designed to ensure quick dispensation of justice without sacrificing the need for fair hearing A must for judges advocates and students of Islamic law and practice *Criminal Justice Responses to the Boko Haram Crisis in Nigeria* Victoria Ojo-Adewuyi, 2024-01-01 This book concentrates on the crisis perpetrated by the Boko Haram group in Nigeria which since 2009 has made a definitive impact on both the domestic and international criminal landscape The volume centres on three core issues first an assessment of the criminal legal responses at the domestic level where the legal characterization of the conducts in question including an evaluation of the state of specific domestic prosecutions are assessed Secondly the book gauges the potential for international criminal justice while evaluating the Boko

Haram situation at the International Criminal Court This includes an assessment of the jurisdictional aspects the admissibility and the interests of justice requirements in addition to the appraisal of conducts amounting to war crimes and crimes against humanity perpetrated Finally the book explores possible non prosecutorial responses in the form of classic and non classic transitional justice mechanisms that maybe utilized as a response to the crisis in Nigeria Furthermore it draws instructive lessons from Nigeria s past misadventure with specific transitional justice mechanisms while exploring the realities of utilizing the restorative justice mechanisms available in Nigeria The volume concludes by calling for a victim centred approach in the discourse around the Boko Haram crisis This book presents a definitive study of the history of the development of Boko Haram and the related domestic and international criminal legal issues Researchers and anyone seeking to understand the Boko Haram crisis in relation to international criminal law including those looking for a clear overview of the criminal conduct perpetrated by Boko Haram in Nigeria and a view of Nigeria s domestic legal regime will benefit from the information on offer Victoria Ojo Adewuyi is a lawyer called to the Nigeria Bar in 2012 She obtained a Bachelor of Laws degree LL B in 2011 from the Obafemi Awolowo University Ile Ife Nigeria obtained a Master of Laws Degree LL M from the University of the Western Cape Cape Town South Africa and Humboldt Universit t zu Berlin under the South African German Centre for Transnational Criminal Justice in 2016 and completed her doctorate in International Criminal Law at the Humboldt Universit t zu Berlin Germany in 2022

African Penal Systems Alan Milner, 2024-07-31 First published in 1969 *African Penal Systems* is the first book to explore the problems of African criminology Sixteen distinguished contributors sociologists lawyers and psychiatrists each an authority on some aspect of African penal problems have collaborated to produce it Its first part gives a general survey of the penal systems of some fourteen African countries variously English French or Portuguese inclined or wholly autochthonous Part two includes six specialist contributions on various detailed problems in the development and operation of the modern African systems In his introduction Alan Milner describes the sociological forces responsible for the increase of crime in Africa and examines the possibility of the growth of a peculiarly African approach to the solution of its penal problems This is a must read for scholars and researchers African Studies criminology and African Law

Ethiopian Criminal Procedure Stanley Z. Fisher, 1969 The International Criminal Court and Nigeria Muiyiwa Adigun, 2017-12-14 If Nigeria fails to prosecute the crimes recognised under the Rome Statute then the International Criminal Court ICC will intervene The ICC is only expected to complement the criminal justice system in Nigeria and is not a court of first instance but one of last resort This is what is known as the principle of complementarity Before the ICC can step in it must make a finding of unwillingness or inability on the part of Nigeria It is only after this finding is made that the ICC can take over the prosecution of the crimes recognised under the Statute from Nigeria This book examines the criminal justice process in Nigeria and discovers that the justice system is latent with the requirements of unwillingness and inability The requirements which serve as tests for assessment are as they are laid down

by the Rome Statute and interpreted by the ICC This book offers recommendations as to what Nigeria must do in order to avoid the ICC intervention by reversing those parameters that give rise to unwillingness and inability The International Criminal Court and Nigeria Implementing the Complementarity Principle of the Rome Statute offers a contribution to the advancement of international law and will be of practical use to African countries It aims to sensitise policy makers in different African countries in respect of policy options open to them to close impunity gap in their respective countries This volume addresses the topics with regard to international criminal law and comparative public law and will be of interest to researchers academics organizations and students in the fields of international law governance and comparative criminal justice

Annual Survey of African Law Cb E. Cotran, N.N. Rubin, 2014-09-11 First published in 1973 This is volume 3 1969 of the Annual Survey of African Law It includes papers articles and discussions that are split into sections on Commonwealth African countries and Francophonic African Countries and other African countries as well as a listing of cases and statutes

Readings in the Cameroon Criminal Procedure Code Andrew Ewang Sone, 2007

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