

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

J. Myron Jacobstein, Meira G. Pimsleur



Nigeria Criminal Procedure Code:

Criminal Procedure Code, CAP. 30 Northern Nigeria (Nigeria), 1965 *Criminal Procedure and Trials in Nigeria* Sonia Akinbiyi, 2002 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 University 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 University zu Berlin, Germany in 2022. 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 Attah, Ayodele Atsenuwa, Edmund Chilaka, Samson Folarin, Gerrie ter Haar, Ayodeji Olukoju, Abiodun Oluwadare, Paul Osifodunrin, and Leo Enahoro Otoide. Comparative and International Criminal

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Table of Contents Nigeria Criminal Procedure Code

1. Understanding the eBook Nigeria Criminal Procedure Code
 - The Rise of Digital Reading Nigeria Criminal Procedure Code
 - Advantages of eBooks Over Traditional Books
2. Identifying Nigeria Criminal Procedure Code
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Nigeria Criminal Procedure Code
 - User-Friendly Interface
4. Exploring eBook Recommendations from Nigeria Criminal Procedure Code
 - Personalized Recommendations
 - Nigeria Criminal Procedure Code User Reviews and Ratings
 - Nigeria Criminal Procedure Code and Bestseller Lists

5. Accessing Nigeria Criminal Procedure Code Free and Paid eBooks
 - Nigeria Criminal Procedure Code Public Domain eBooks
 - Nigeria Criminal Procedure Code eBook Subscription Services
 - Nigeria Criminal Procedure Code Budget-Friendly Options
6. Navigating Nigeria Criminal Procedure Code eBook Formats
 - ePub, PDF, MOBI, and More
 - Nigeria Criminal Procedure Code Compatibility with Devices
 - Nigeria Criminal Procedure Code Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Nigeria Criminal Procedure Code
 - Highlighting and Note-Taking Nigeria Criminal Procedure Code
 - Interactive Elements Nigeria Criminal Procedure Code
8. Staying Engaged with Nigeria Criminal Procedure Code
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Nigeria Criminal Procedure Code
9. Balancing eBooks and Physical Books Nigeria Criminal Procedure Code
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Nigeria Criminal Procedure Code
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Nigeria Criminal Procedure Code
 - Setting Reading Goals Nigeria Criminal Procedure Code
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Nigeria Criminal Procedure Code
 - Fact-Checking eBook Content of Nigeria Criminal Procedure Code
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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