

## 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.<sup>1</sup> 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 Ordinance<sup>2</sup> 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

<sup>1</sup> See (1961) 24 M.L.R. 604, 612, 616.

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

# Nigeria Criminal Procedure Code

**R Bogdan**



## **Nigeria Criminal Procedure Code:**

*Criminal Procedure Code, CAP. 30* Northern Nigeria (Nigeria), 1965      **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      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      **Comparative and International Criminal**

**Justice Systems** Dale June, 2013-05-13 Comparative and International Criminal Justice Systems Policing Judiciary and Corrections Third Edition examines the history dynamics structure organization and processes in the criminal justice systems in a number of selected countries Designed for courses in comparative criminal justice systems comparative criminology and international

**Criminal Law and Procedure in Nigeria** Ademola Yakubu, A. Toriola Oyewo, 2000 Preface 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 *Criminal Law in Nigeria (excluding the North)* Cyprian Okechukwu Okonkwo, Michael E. Naish, 1964 The Criminal Procedure Code of Northern Nigeria Sam Scruton Richardson, Tom Hitchon Williams, 1963 **Criminal Procedure in the Northern States of Nigeria** Jeffrey Richard Jones, 1979 **Crimes and Criminal Justice in Nigeria Since Independence** Andrew A. Ovienloba, 2000 **Criminal Law in the Northern States of Nigeria** E. H. Ofori-Amankwah, 1986 **The Penal Codes of Northern Nigeria and the Sudan** Alan Gledhill, 1963 **The Nigerian Penal System** Alan Milner, 1972 An Accused Person's Rights in Nigerian Criminal Law David Odunola Adesiyun, 1996 **Nigerian Monthly Law Reports**, 1975 Decisions of the Supreme Court of Nigeria and the High Courts of Lagos Eastern Midwestern Western and Northern Nigeria **Nigerian Current Law Review**, 1997 **Guide to the Text of the Criminal Law and Criminal Procedure Codes of Cameroon and Togo** Anton Wekerle, 1976 Sharia Implementation in Northern Nigeria 1999-2006: The Sharia penal and criminal procedure codes Philip Ostien, 2007 *Report of the Commission on the Review of Administration of Criminal Justice in Ogun State* Ogun State (Nigeria), 1981

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