

S. 1 No. _____ 2013

PRACTICE DIRECTIONS

CRIMINAL TRIALS RELATING TO OFFENCES OF TERRORISM, KIDNAPPING,
TRAFFICKING IN PERSONS, RAPE, CORRUPTION AND MONEY LAUNDERING
CASES, SAVE TO THE EXTENT AND AS MAY BE ORDERED BY THE
HONOURABLE CHIEF JUDGE.

THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 AS
AMENDED.

**SECTION 254 AND ORDER 1 RULE 4; ORDER 57 RULE 3
FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES 2009**

In exercise of the powers conferred on me by Section 254 of the
Constitution of the Federal Republic of Nigeria 1999 and all other powers
enabling me in that behalf, I, Ibrahim Ndahi Auta (OFR) Chief Judge, Federal
High Court, hereby make the following Practice Directions for the Federal
High Court.

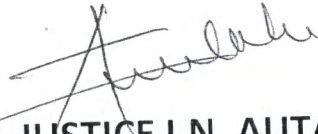
.....30th..... Day of April..... 2013

COMMENCEMENT

The Directive contained herein shall take effect from the^{3rd}.....
day ofJune..... 2013.

EXPLANATORY NOTE

This Practice Direction is intended to fast track the criminal trials in the Court and to ensure that delays in criminal trials are largely eliminated.


HON. JUSTICE I.N. AUTA (OFR)
CHIEF JUDGE
FEDERAL HIGH COURT

FEDERAL HIGH COURT (CRIMINAL)
PRACTICE DIRECTION 2013

1. **APPLICABILITY**

This Practice Direction shall apply to Terrorism, Kidnapping, Trafficking in persons, rape, corruption and money laundering cases save to the extent and as may otherwise be ordered by the Honourable Chief Judge.

2. **OBJECTIVE AND GUIDING PRINCIPLE**

- a. The purpose of this Practice Direction is to establish, a system of case management that will provide for the fair and impartial administration of criminal cases and the rules made under this Practice Direction shall be construed and applied to eliminate unnecessary delay and expense for the parties involved in the Court justice system.
- b. The rules made under this Practice Direction shall apply mutatis mutandis to criminal cases and to the extent possible:
 - i. Ensure that at trials the parties focus on matters which

- are genuinely in issue;
- ii. Minimize the time spent at trials dealing with interlocutory matters.
 - iii. Ensure that possibility of settlement is explored before the parties go into hearing.
 - iv. Ensure that hearings are not stalled by unpreparedness of the Court or the parties and that the case is fully ready for trial before hearing dates are agreed;
 - v. Minimize undue adjournments and delays.

3. **FILING A CHARGE**

- a. The complainant shall not file a charge unless it is accompanied by an affidavit stating that all investigations into the matter had been concluded and in the opinion of the prosecutor, a prima facie case exists against the accused person;
- b. On the date of 1st arraignment the prosecutor must produce the accused person in Court;

- c. Where there is a preliminary objection challenging the jurisdiction of the Court to hear a case before it, the Court shall ensure that the ruling is delivered within 14 days;
- d. No party may serve a notice of an application on another party on the date scheduled for hearing;
- e. In furtherance of the need to ensure speedy dispensation of justice, Electronic mail and other electronic means may be employed by a Court in order to inform Counsel of urgent Court and case events. Hence, Counsel is expected to furnish the Court Registrar with primary and secondary phone numbers and email addresses;

PROVIDED that these notices should be given at least forty eight (48) hours before the scheduled Court date.

4. **DUTIES OF THE PROSECUTION**

- i. To serve copies of the statements of evidence and documentary exhibits upon the defence 7 days before the arraignment hearing.

- ii. To provide a written case summary on the evidence as it presently stands.
- iii. To specify what further evidence is to come, and how long that evidence will take to be served on the Court and the defence.

5. **DUTIES OF THE DEFENCE**

- i. Specify in writing, the defence being raised.
- ii. Specify in writing those aspect of the prosecution case which are agreed.
- iii. Specify in writing those aspect of the prosecution case which is in dispute.
- iv. Specify in writing which witnesses are required for cross-examination, and why.

6. **HEARING**

- a. The hearing of cases shall be scheduled on a day to day basis as far as the schedule of the Court may permit, Priority given to all

cases prosecuted by the EFCC, ICPC, SSS or cases initiated under any law dealing with terrorism, kidnapping, rape, corruption, trafficking in persons and money laundering cases. Courts shall continue to accord priority to these cases until judgment is delivered and all witnesses must be present in Court on all such days until their evidence is heard.

- b. The court and the parties must prevent unwarranted and unnecessary delays and accordingly, not more than two adjournments shall be granted to any party to an action covered by the provisions of this Practice Direction.

PROVIDED that no application for adjournment shall be entertained on a day fixed for hearing.

- c. Where a party seeks to change their Counsel during the lifespan of a case, not more than two adjournments shall be granted to him to so do;
- d. Where expedient and in furtherance of the objectives of this Practice Direction the Court may schedule the time and date of

hearings to fall on such days and at such times as may be convenient;

- e. Counsel shall ensure that they are present in Court and ready to proceed with their case at all times. In the event that this proves to be impracticable by reason of ill health or any other unavoidable incidences, such Counsel shall ensure that a Counsel of requisite professional experience and knowledge of the issues before the Court (as is required to diligently prosecute or defend the case), is present in Court and ready to proceed with the case in his or her stead;
- f. In criminal trials, the prosecution has a duty to ensure that the accused person is present in Court at all hearings.

7. PROCEEDINGS OF THE COURT

ATTITUDE OF COUNSEL AND THE COURT

- a. Judges must ensure that Counsel conduct the business of the Court with proper professional docurum and stringently avoid any

act which is either an abuse of the justice system or is aimed at truncating the course of justice;

Counsel who may wish to make a petition against a Judge must first inform the Chief Judge, in writing, of the allegations against the Judge concerned.

In investigating a petition made against a Judge, the Judge must also work to ensure that petitions do not create a de facto stay of proceedings;

- b. So far as is reasonably practicable, the Court must endeavour to conduct all its proceedings regularly and punctually and discourage adjournments made on trivial grounds by counsel.

8. **COURT DIRECTIONS.**

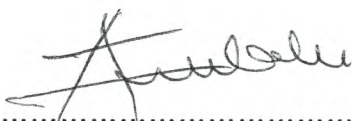
- i. Fixing the date for trial, including a time estimate agreed by the parties. In the absence of any agreement the Judge will make his/her own assessment of the time estimate based upon information already provided by the parties.
- ii. Fixing any future interim date to ensure that the parties are

complying with Court – ordered directions.

- iii. Requiring the parties to specify what points of admissibility or other issues are to be taken at trial. If either party does raise objection on a point of admissibility or other issue, the objection must be in writing and must set out a summary of the argument relied upon (“Skeleton Argument”). The Judge will consider any objection before the start of the trial, they must give reasons why such points of objection cannot be resolved by the trial Judge before the start of the trial.
- iv. Directing the parties that the Court will sit on consecutive working days until the close of case or verdict.

9. **COMMENCEMENT**

The directives herein contained shall take effect from the^{3rd}
day of June..... 2013.


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Chief Judge, Federal High Court