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OF NIGERIA, 1999 (AS AMENDED)
FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES, 2009
FEDERAL HIGH COURT (CRIMINAL TRIALS)
PRACTICE DIRECTIONS, 2013



ARRANGEMENT OF RULES

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S. I. No. 38 of 2013

THE CONSTITUTION OF THE FEDERAL REPUBLIC
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FEDERAL HIGH COURT (CRIMINAL TRIALS)
PRACTICE DIRECTIONS, 2013

[3rd Day of June, 2013]

Commence-
ment.

In exercise of the powers conferred on me by section 254 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Order 57 Rule 3 of the Federal High Court (Civil Procedure) Rules, 2009 and all other powers enabling me in that behalf, I, IBRAHIM NDAHI AUTA, OFR, Chief Judge, Federal High Court, issue the following Practice Directions to the Federal High Court :

1.—(1) The purpose of this Practice Directions are to—

Objective
and Guiding
Principle.

(a) establish a system of case management that will provide for the fair, impartial and expeditious administration of criminal cases arising out of cases listed in Rule 2 (1) of these Practice Directions ;

(b) ensure that at trials the parties focus on matters which are genuinely in issue ;

(c) minimize the time spent at trials, in the determination of interlocutory matters ;

(d) ensure that possibility of settlement is explored before the parties go into hearing ;

(e) ensure that hearings are not stalled by unpreparedness of the Court or the parties and that cases are ready for trial before hearing dates are agreed ; and

(f) minimize undue adjournments and delays occasioned by parties.

(2) 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.

2.—(1) This Practice Direction shall, save to the extent and as may otherwise be ordered by the Honourable Chief Judge apply to all criminal cases, particularly those relating to Terrorism, Kidnapping, Trafficking in persons, Rape, Corruption and Money Laundering cases.

Applicability

(2) The Rules made under this Practice Direction shall apply *mutatis mutandis* to all criminal cases, which fall under the category of offences listed in Rule (2) (1) of this Rule as well as all interlocutory applications in respect of the listed offences.

Filing a
Charge.

3.—(1) 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.

(2) the prosecutor shall produce the accused person in Court, On the date of first arraignment.

Service of
Process.

4.—(1) A party shall not serve a notice of an application on another party on the date scheduled for hearing.

(2) Where there is a notice of 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.

(3) To ensure speedy dispensation of justice, electronic mail, e-mail and other electronic means may be employed by the court in order to inform counsel of urgent court and case events,

PROVIDED that such notification shall be given at least forty-eight hours before the scheduled Court date.

(4) In line with the provisions of Rule 4 (3) of this Rule, parties are expected to furnish the Court Registrar with functional telephone numbers and e-mail addresses of themselves and their counsel.

Duties of the
Prosecution.

5.—(1) The prosecutor shall—

(a) serve copies of the statements of evidence and documentary exhibits upon the defence 7 days before the arraignment hearing.

7.—(1) The hearing of cases shall be 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. Hearing.

(2) The Courts shall continue to accord priority to the cases listed under Rule 7 (1) of this Rule until judgement is delivered.

(3) All witnesses shall be present in Court until their evidence is heard.

(4) The court and the parties shall prevent unnecessary delays and accordingly, not more than two adjournments shall be granted to any party to an action covered by the provisions of these Practice Directions.

Application for adjournment shall be entertained on a

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

seeks to change his Counsel during the lifespan of a case, not more than two adjournments shall be granted to him to so do.

(5) Where a party seeks to change his Counsel during the lifespan of a case, not more than two adjournments shall be granted to him to so do.

incident, and in furtherance of the objectives of these Practice Directions the Court may schedule the time and date of hearing on a day as may be convenient for the parties.

(6) Where it is expected that a case will be heard on a day as may be convenient for the parties, the Court may schedule the time and date of hearing on a day as may be convenient for the parties.

ensure that they are present in Court and ready to proceed with their case at all times.

(7) Counsel shall ensure that they are present in Court and ready to proceed with their case at all times.

provisions of Rule 7 (6) of this Rule becomes impracticable by reason of any other unavoidable incidence, such Counsel shall ensure that a Counsel of equivalent professional experience and knowledge of the issues before the Court is present in Court and ready to diligently proceed with the case in his or her stead.

(8) Where the provisions of Rule 7 (6) of this Rule becomes impracticable by reason of any other unavoidable incidence, such Counsel shall ensure that a Counsel of equivalent professional experience and knowledge of the issues before the Court is present in Court and ready to diligently proceed with the case in his or her stead.

ensure that Counsel conduct the business of the Court with proper professional decorum and stringently avoid any act which is an abuse to the justice system or is aimed at truncating the course of justice.

Proceedings of the Court.

8.—(1) Judges shall ensure that Counsel conduct the business of the Court with proper professional decorum and stringently avoid any act which is an abuse to the justice system or is aimed at truncating the course of justice.

conduct its proceedings regularly and punctually and not be adjourned on trivial grounds by counsel.

(2) The Court shall ensure that its proceedings are conducted regularly and punctually and not be adjourned on trivial grounds by counsel.

wish to make a petition against a Judge, he shall first inform the Chief Justice, in writing, of the allegations against the Judge concerned.

(3) Where a counsel wishes to make a petition against a Judge, he shall first inform the Chief Justice, in writing, of the allegations against the Judge concerned.

petition made against a Judge, the Judge shall work to ensure that the petition does not create a *de facto* stay of proceedings.

(4) In investigating a petition made against a Judge, the Judge shall work to ensure that the petition does not create a *de facto* stay of proceedings.

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