



# **GUIDELINES AND MONITORING FRAMEWORK**

## **FOR THE**

### **IMPLEMENTATION OF REMAND PROCEEDINGS UNDER PART 30 OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT, 2015**

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**HIGH COURT  
OF THE  
FEDERAL CAPITAL TERRITORY, ABUJA.**

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**A Guide for Criminal Justice Stakeholders on the Process and Procedure  
for Remanding Suspects Before Arraignment under Part 30 of the  
Administration of Criminal Justice Act, 2015.**

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# **GUIDELINES AND MONITORING FRAMEWORK FOR THE IMPLEMENTATION OF REMAND PROCEEDINGS FOR CRIMINAL JUSTICE STAKEHOLDERS, 2024.**

## **FOREWORD**

The provisions of Remand Proceedings under Part 30 of the Administration of Criminal Justice Act (ACJA) specifically establishes the legal procedures and protocols for the remand of suspects in custody pending trial while balancing the rights of suspects with the need of public safety and the efficient operation of the criminal justice system.

These Guidelines is a testament to our unwavering dedication to upholding the principles of justice, fairness, and the rule of law within the Federal Capital Territory (FCT) and represents a significant stride towards ensuring a more efficient, effective, and humane system of criminal justice administration.

The development of these Guidelines and the accompanying monitoring framework is a response to the complexities and challenges that have been identified in the implementation of remand proceedings. As custodians of justice, it is imperative that we provide clarity, consistency, and accountability in the application of the law.

These Guidelines have been meticulously crafted with inputs from diverse criminal justice stakeholders and I have no doubt that the effective application of these Guidelines will significantly address challenges and non-compliance with the stipulated remand detention limits and ultimately contribute to the overall efficiency of the criminal justice system.

It is with a profound sense of commitment to the administration of justice that I present the Guidelines and Monitoring Framework for the Implementation of Remand Proceedings under Part 30 of the Administration of Criminal Justice Act (ACJA).

**Hon. Justice Hussein Baba Yusuf**  
Honourable Chief Judge of the Federal Capital Territory  
July, 2024

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**GUIDELINES AND MONITORING FRAMEWORK FOR THE IMPLEMENTATION OF REMAND PROCEEDINGS FOR CRIMINAL JUSTICE STAKEHOLDERS, 2024.**

In exercise of the powers conferred on me by Section 259 of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended), Section 490 (g) of the Administration of Criminal Justice Act 2015, and by virtue of all other laws enabling me in that behalf, I, HON. JUSTICE HUSSEINI BABA YUSUF, Chief Judge of the Federal Capital Territory, hereby make the following Guidelines –

[8<sup>th</sup> Day of July, 2024]

## PART I – OBJECTIVE AND APPLICATION

1. - (1) The objectives of these Guidelines are to –
  - (a) ensure that remand proceedings are conducted in strict adherence to the provisions of the ACJA;
  - (b) provide a clear and standardized procedure for Magistrates ‘Courts in the FCT to follow during remand proceedings, thereby ensuring consistency and uniformity;
  - (c) guide investigators and law enforcement agencies to efficiently adhere to the remand protocols provided under section 293 of the ACJA;
  - (d) safeguard the constitutional rights of suspects and defendants, ensuring that their rights to fair hearing and personal liberty are respected; and
  - (e) implement a robust monitoring mechanism to track remand orders and ensure compliance with stipulated Guidelines.
2. - (1) These Guidelines apply to remand proceedings provided under Part 30 of the ACJA.
  - (2) From the commencement of these Guidelines, Investigators, Prosecutors, Law Enforcement Agencies, the Courts, Correctional Centres are enjoined to adhere to the detention time limits of remand proceedings in accordance with the provisions of the ACJA.

## PART II – GENERAL GUIDING PRINCIPLES

3. - (1) The Courts shall be guided by the following core principles when a remand application is before the court-
  - (a) Courts shall strictly adhere to the provisions of Part 30 of the ACJA when considering applications for remand. This is to ensure that the process is lawful and protects the rights of the suspects;

- (b) The law enforcement officer shall present sufficient facts to establish a prima facie case against the suspect. It is the duty of the court to consider whether there is enough justification for the grant of a remand order;
- (c) The Court shall consider the necessity for remand in the interest of public safety and order. This includes the nature and seriousness of the offence, reasonable grounds to believe that the suspect has been involved in the commission of the alleged offence, the potential risk posed by the suspect if not remanded and any other circumstance of the case that sufficiently justifies the request for remand;
- (d) Courts shall be mindful of the maximum period allowed for remand under the ACJA, ensuring that the suspect is either charged to court or released if the maximum detention limit is reached without completion of the investigation; and
- (e) Courts shall give reason(s) for granting or refusing remand and keep detailed records to ensure accountability.

### PART III - REMAND ORDER PROCEDURE

- 4. - (1) The application for remand order shall be made ex-parte and shall be verified on oath containing reasons for the remand request.
- 5. - (1) The court will consider whether a probable cause has been established for the remand of a suspect and take into consideration certain factors as outlined in section 294 (2) of the ACJA.  
(2). The court may, in considering an application for remand, grant bail to the suspect brought before it.
- 6. - (1) Where the court grants the remand order, the order shall be for a period not exceeding 14 days in the first instance, and the case shall be returnable within the same period in accordance with section 296 (1) of the ACJA .  
(2) Upon application in writing for the second time and the court is satisfied that a good cause is shown why there should be an extension of the remand

period, the court may grant an order for further remand of the suspect for a period not exceeding 14 days and make the proceeding returnable within the same period in accordance with section 296 (2) of the ACJA.

(3) Where the suspect is still in custody on remand at the expiration of the second remand order, the court may, on application of the suspect grant him bail in accordance with section 296 (3) of the ACJA.

7. - (1) After the second remand order and the suspect is still in detention and has not been charged to court, the court shall issue a hearing notice on:

(a) the Inspector General of Police and the Attorney -General of the Federation;

(b) the Commissioner of Police of the FCT;

(c) any relevant authority in whose custody the suspect is or at whose instance the suspect is remanded and adjourn the matter within a period not exceeding 14 days of the expiration of the second remand order, to enquire as to the position of the case and for them to show cause why the suspect should not be unconditionally released.

(2) Where any of them shows good cause pursuant to paragraph 7(1) (c) of this Guideline and makes a request to that effect, the court may extend the remand of the suspect for a final period not exceeding 14 days and shall make the case returnable within the said 14 days in accordance with section 296 (5) of the ACJA.

8. - (1) On the returned date, if a good cause is not shown for the continued remand of the suspect pursuant to paragraph 7(1) (c) or where the suspect is still on remand custody after the expiration of the extended period, the court shall, with or without an application to that effect, discharge the suspect and the suspect shall be immediately released from custody in line with section 296 (6) of the ACJA.

9. - (1) No further application for remand shall be entertained by any court in respect of the same matter in accordance with section 296 (7) of the ACJA.

(2) The power conferred on the court in remand proceedings may be exercised by the court:

- (a) whether the suspect remanded is present in court or not; and
- (b) on its own motion or on application, including by a person in charge of the place of custody where the suspect remanded is detained in line with section 297 (1) of the ACJA.

(3) The exercise of the powers of Magistrate over the remand proceedings shall cease once the suspect is charged and arraigned in accordance with section 294 (1) of the ACJA.

#### PART IV – MONITORING COMPLIANCE AND MECHANISMS

10. For the purpose of monitoring the implementation of remand proceedings, the duties of the various stakeholders involved are identified as follows:

(1) Duties of Applicant-

(a) All remand applications shall be filed by the applicant at the central registry of each magisterial district.

(b) The applicant shall in filing his application, provide the following:

- i full name;
- ii rank;
- iii AP/Force/Service/ID number; 
- iv office address;
- v the Station/Agency/Detention facility;
- vi the name of the head of the Station/Agency;
- vii Applicant/office phone number (s) and;

viii any other information that will help the court track the applicant.

- (c) On the return date, the applicant shall bring a written application where necessary for extension of the remand order.
- (d) The applicant may where necessary be required to appear before the court with the suspect to enable the court ascertain the position of the case.
- (e) The officer-in-charge of the station or an agency shall include the current position of the case in his monthly report to the court, if at the time of making the report the suspect has not been charged to court.
- (f) The officer - in-charge of place of detention shall compile and forward the list of suspects in their custody who are on remand order and not yet charged to the court to the ACJMC monthly for their attention and necessary action.

#### 11. Duties of Registrar-

The Registrar of each court shall take the following steps towards the management of remand proceedings:

- (1) The Registrar of the central registry of each magisterial district shall maintain a separate register of application for remand proceedings.
- (2) The Registrar of the assigned court shall maintain a separate Register of Remand Applications for remand proceedings.
- (3) The Registrar of the assigned court shall maintain a separate record book for remand proceedings.
- (4) Upon the receipt of the Ex-parte motion/application for remand order at the central registry, it shall be given a distinct number e.g;

CR/LFC/RP/02/2024 and recorded in the register of remand application.

- (5) If the application is assigned to a Magistrate from the central registry, the assigned court shall also register it with its own distinct number while retaining the central registry's number, e.g, CR/LFC/RP/02/01/2024.
- (6) The Registrar of the court entertaining the application shall demand the particulars of the applicant. Such particulars shall include all the information contained in 10(1) (b) above.
- (7) Where the applicant refuses to provide the particulars or volunteer the information, his application shall not be registered.
- (8) Where an application is registered and another applicant other than the previous one appears, he shall also be required to supply the same information or particulars and if he refuses to do so, the application will not be entertained.
- (9) The Registrar shall endorse on the warrant: 'Remand Order, Part 30, ACJA 2015.
- (10) The Registrar shall where the suspect is admitted to bail, ensure it is indicated on the warrant: Suspect Admitted to Bail.
- (11) The Registrar shall inform the applicant to produce a copy of the charge sheet to the court and to the authority in whose custody the suspect is remanded as soon as the suspect is charged to court.
- (12) The Registrar of the court shall endeavor to obtain the contact details of the place where the suspect is remanded.
- (13) Where the applicant fails to appear in court on the returned date, the proceeding shall be adjourned to a new date and the Registrar of the court shall contact the applicant through the information previously supplied by the applicant.

## 12. Duties of Magistrate-

- (1) Where the application is filed at the central registry, the administrative Magistrate may assign it to another Magistrate within the magisterial district.
- (2) The Magistrate may admit the suspect to bail in appropriate circumstances taking consideration of the factors provided under Section 158-188 of the ACJA.
- (3) The condition of the bail will be such that will secure the attendance of the suspect in court for his arraignment.
- (4) Where the offence is within the jurisdiction of Magistrate's court, the Magistrate shall direct the arraignment of the suspect without delay. The arraignment may not be in the same court entertaining the application.
- (5) Where the application is granted, the remand warrant shall be properly signed by the Magistrate. A return date shall be endorsed on the warrant as well as the particular place the suspect is to be remanded.
- (6) The Magistrate shall where the application is granted ensure that: "Remand Order", Part 30, ACJA 2015 is endorsed on the warrant.
- (7) The Magistrate shall where the suspect is admitted to bail, ensure that the warrant is endorsed: Suspect Admitted to Bail.
- (8) The Magistrate shall inform the applicant to produce a copy of the charge sheet to the court and to the authority in whose custody the suspect is remanded as soon as the suspect is charged to court.

- (9) Where a Magistrate entertaining the remand proceeding is unavoidably absent, another Magistrate may take over the proceeding and the new Magistrate is not required to start the proceeding de novo.
- (10) The Magistrate may request the applicant to attend court on the return date with the suspect to enable the court ascertain the current position of the case.
- (11) The court may remand the suspect in another place of detention on the return date pending the investigation where circumstances warrant.
- (12) When the suspect is charged to court and a copy of the charge is submitted to the court, the Registrar of the court shall confirm from the applicant where the suspect is detained if they have received the charge. If they have not received it:
- (a) a copy of the charge shall be forwarded to them; or
  - (b) the Magistrate shall require that the warrant remanding the suspect shall be brought to court. On production of the warrant before the court, the Magistrate shall endorse at the back of the warrant to the effect that the suspect has been charged to court.
- (13) During the monthly visitation and inspection of detention centres, a Magistrate shall make appropriate inquiries regarding remand orders. If he discovers from a suspect or a record that a suspect on remand order has stayed more than the total number of periods required by the remand order, he shall do the following:
- (a) order that the suspect be arraigned to the court immediately;
  - (b) make the issue part of his report to be submitted to the ACJMC;
  - (c) ascertain the detaining Magistrate and endeavour to inform him of the situation;
  - (d) mandate the officer-in-charge of the station to include the position of the case in his monthly report to the court, if by

the time of making the report the suspect has not been taken to court.

(14) Where a remand proceeding has not been completed and the suspect has not been released and fails to appear in court on the return date or where no date is fixed as a result of unforeseen circumstances disrupting the proceeding of the court, the Magistrate must take a step to find out the position of the case-

(a) this can be done by the Registrar of the court calling, serving hearing notices or using any of the mediums earlier provided by the applicant and the authority in whose custody the suspect is detained inviting all of them to the court.

(b) the Magistrate shall hear from them about the position of the case and make the necessary order and reflecting same on the warrant to show the actual position of the case.

(15) The exercise of the powers of Magistrate over the remand proceedings shall cease once the suspect is charged and arraigned.

### 13. Duties of the Deputy Chief Registrar –

(1) The Deputy Chief Registrar shall ensure that all the Magistrates granting remand orders comply with the submission of monthly returns of remand orders granted.

(2) The Deputy Chief Registrar shall forward the return of remand orders by Magistrates to the Chief Judge.

(3) The Deputy Chief Registrar shall ensure that the provision of Order 13 Rule 3 of Practice Direction is properly implemented.

(4) The Deputy Chief Registrar shall ensure that the Registrars maintain all the registers and record books for remand proceedings.

#### 14. Duties of Detention Facilities-

- (1) The Detention Facilities shall ensure that every remand order is returned on the date specified on the warrant and thereafter recorded in the appropriate register.
- (2) The Correctional Service/Detention Facilities shall forward on a monthly basis the return of those remanded under part 30 of the ACJA to the ACJMC.
- (3) The Officer in charge of a detention facility shall at the expiration of the period of the remand order bring an application in writing to the Court for appropriate direction.
- (4) The detention facility shall upon request by the court produce the remand warrant for the purpose of endorsement to the effect that the suspect has been charged and arraigned.

#### 15. Duties of ACJMC-

- (1) The ACJMC shall from time to time visit the detention facilities to find out the number of those on remand order or request for such records as may be necessary in carrying out its functions in accordance with section 475 of the ACJA and bring same to the attention of the Deputy Chief Registrar.
- (2) The ACJMC shall compile the list of those detainees already charged to court but have not been arraigned to the Chief Judge, for necessary action.
- (3) The ACJMC shall ensure that all necessary facilities are in place for the effective implementation of the provision of Part 30 of the ACJA.

16. Magistrates shall submit quarterly returns of all remand proceedings to the Chief Judge in accordance with section 110(5) of the ACJA within the quarter, through the Deputy Chief Registrar.

17.– (1) Subject to the provisions of these Guidelines and the ACJA, all previous remand orders shall remain valid in accordance with the order of the Court that granted it.

(2) Any pending application for remand order that is yet to be granted by the Court shall be deemed to be before the court in accordance with provisions of this Guidelines.

18. These Guidelines shall from time to time be reviewed in accordance with the prevailing circumstances and amendment to the laws.

19. – (1) Interpretation: The terms used in the ACJA shall apply to this Guidelines.

(2) In these Guidelines –

“ACJA” means the Administration of Criminal Justice Act 2015;

“ACJMC” means the Administration of Criminal Justice Monitoring Committee;

“Constitution” means the Constitution of the Federal Republic of Nigeria;

“Court” means Magistrate Courts in the Federal Capital Territory;

“Criminal Justice Stakeholders” means organs or statutory bodies charged with the responsibility for all aspects of the administration of justice including-

Magistrates

(a) Law Enforcement Officers

(b) Federal Ministry of Justice

(c) Magistrates Courts

(d) Nigeria Police Force

(e) Nigeria Correctional Service; and

(f) Administration of Criminal Justice Monitoring Committee.

“Deputy Chief Registrar” means the Deputy Chief Registrar in charge of Magistrates;

“Detention Facility” means any authorized place of detention

“Law Enforcement Agency” means an agency of government or statutory body empowered by law to make arrest, investigate or prosecute an offence created by an Act of the National Assembly.

“Suspect” means a person who is believed to have committed an offence or connected to the crime under investigation, but who has not been formally charged to court;

20. These Guidelines may be cited as the Guidelines and Monitoring Framework for the Implementation of Remand Proceedings for Criminal Justice Stakeholders, 2024.

MADE at Abuja this ..... day of July, 2024

**HON. JUSTICE HUSSEINI BABA YUSUF**  
Honourable Chief Judge of the Federal Capital Territory

