

Timely Dispensation of Criminal Trials in Nigeria: A Critical Examination of the Administration of Criminal Justice Act 2015 and the Challenges of Accelerated Trial

Chukwuebuka Gabriel Okoye¹

<https://doi.org/10.56201/JLGP.vol.11.no4.2026.pg10.24>

Abstract

This paper examines delayed criminal trials in Nigeria through the Administration of Criminal Justice Act 2015 and the institutions responsible for moving a criminal case from arrest to judgment. The Act contains several time controls. Remand is subject to short return periods, while Magistrates' Court cases are subject to commencement and reporting periods. Legal advice is required within fourteen days after receipt of the police file, while information filed in the High Court is subject to assignment and notice periods. Section 396 regulates adjournments after arraignment. Yet delay remains common. As at 29 June 2026, the Nigerian Correctional Service recorded 53,670 persons awaiting trial, representing 65 per cent of the inmate population. This paper argues that the difficulty lies partly in the fragmented operation of the statutory time controls. Delay may arise at any point in a proceeding, for instance, during investigation, hearing or delivery of judgment. A rule directed at courtroom adjournments cannot cure delay that has already accumulated before arraignment. Using doctrinal and comparative methods, the paper examines the Constitution, the Administration of Criminal Justice Act 2015, the Nigerian Correctional Service Act 2019, decision of courts in Nigerian and international fair-trial standards. It proposes a coordinated timely-trial framework based on devices like pre-trial case management, reasoned delay inquiries, and stage-based monitoring.

Keywords: criminal trial; delay; Administration of Criminal Justice Act; pre-trial detention; fair hearing; case management; Nigeria

1.0 Introduction

Delay in criminal justice is occasioned by a sequence of institutional and procedural steps, not by the trial judge alone. For instance, an investigation may remain incomplete. A case file may move slowly from the police to the prosecuting authority. Legal advice may wait for missing forensic material. A defendant in custody may not be produced on the hearing date. After arraignment, counsel may seek adjournments because witnesses failed to attend, or the court may have no sitting date available. The Constitution of the Federal Republic of Nigeria 1999 requires a criminal charge to be heard within a reasonable time. It also protects adequate time and facilities for preparation

¹ LL.B, B.L, Legal Practitioner and Researcher. Nnamdi Azikiwe University. YC Maikyau & Co. Email: gabiokoye201@gmail.com.

of the defence. These provisions place time and fairness in the same constitutional setting.² Acceleration cannot be reduced to a demand for the shortest possible hearing. A defendant who has just received a large proof of evidence may need an adjournment. A court faced with a complex financial or terrorism case may need more hearing days than a court trying a simple charge. The legal question is the removal of avoidable delay without reducing the safeguards of a fair trial.

The Administration of Criminal Justice Act 2015 (ACJA) was enacted against a history of slow criminal proceedings and prolonged remand. Section 1 states that the purpose of the Act includes efficient management of criminal justice institutions and speedy dispensation of justice, while protecting the interests of the defendant and victim.³ The Act replaced much of the older federal criminal procedure with rules on arrest, institution of proceedings, and trial.

Section 2 of the ACJA applies the Act to criminal trials for offences created by Acts of the National Assembly and to offences in the Federal Capital Territory, apart from courts-martial.⁴ The states operate their own Administration of Criminal Justice Laws. In September 2025 the Federal Ministry of Justice reported that all 36 states had adopted versions of the reform law.⁵ Therefore, references in this paper to the ACJA concern the federal and Federal Capital Territory framework unless a broader national practice is being discussed.

The scale of pre-trial custody remains a useful measure of the problem, although it does not capture every delayed case. The Nigerian Correctional Service recorded 82,195 inmates as at 29 June 2026. Of that number, 53,670 were awaiting trial, representing 65 per cent of the inmate population.⁶ Some awaiting-trial persons may have been in custody for a short lawful period, while some defendants on bail may have cases that have lasted for years. The figure still shows how closely trial delay and custodial congestion remain connected.

Recent official reform work accepts that the problem has not been solved by the 2015 statute. In April 2026 the Federal Ministry of Justice unveiled National Minimum Standards for implementation of the ACJA and related state laws. The Ministry referred to delay in case management, court congestion and overcrowding of correctional centres as continuing problems.⁷ In July 2026 the President sent an Administration of Criminal Justice Act, 2015 (Repeal and Re-enactment) Bill, 2026 to the National Assembly.⁸ So far, presidential assent has not been given to that bill. The 2015 Act is therefore used as the operative federal text for this paper.

The central argument is that the ACJA contains more time controls than a casual account of the statute suggests. The weakness lies in their separation. Section 110 regulates commencement and

² Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36(4) and (6)(b).

³ Administration of Criminal Justice Act 2015 (ACJA), s 1(1).

⁴ ACJA, s 2.

⁵ Federal Ministry of Information and National Orientation, 'President Tinubu Committed to Building an Efficient Judiciary System - AGF Fagbemi' (23 September 2025) <<https://fmino.gov.ng/president-tinubu-committed-to-building-an-efficient-judiciary-system-agf-fagbemi/>> accessed 16 August 2026.

⁶ Nigerian Correctional Service, 'Statistics Summary: Summary of Inmates Population by Convict and Awaiting Trial Persons as at 29th June 2026' <https://corrections.gov.ng/statistics_summary> accessed 16 August 2026.

⁷ Federal Ministry of Information and National Orientation, 'Federal Ministry of Justice Unveils Two Landmark Documents in Quest to Deepen Criminal Justice Reform' (14 April 2026) <<https://fmino.gov.ng/federal-ministry-of-justice-unveils-two-landmark-documents-in-quest-to-deepen-criminal-justice-reform/>> accessed 16 August 2026.

⁸ National Assembly Library and Trust Fund, 'Senate Plenary Highlights for July 9, 2026' (11 July 2026) <<https://naltf.gov.ng/senate-plenary-highlights-for-july-9-2026/>> accessed 16 August 2026.

reporting in Magistrates' Court cases. Sections 293 to 296 control remand. Section 376 requires legal advice within fourteen days after receipt of the police file. Section 382 sets periods for assignment and trial notices after information is filed. Section 396 regulates hearing after arraignment. The open-ended stage lies earlier in the chain: section 376 requires the police file to be sent at the end of investigation but does not prescribe one general period within which every investigation must be completed.

The paper uses doctrinal and evaluative methods. It examines the Constitution, the ACJA, the Nigerian Correctional Service Act 2019 (NCoS Act), Nigerian appellate decisions, the International Covenant on Civil and Political Rights and African fair-trial standards. Comparative reference is limited to South Africa and Kenya, where the law uses delay inquiries and active case management. The comparison is used to test specific gaps in the law of Nigeria, not to import foreign procedure wholesale.

2.0 Conceptual and Theoretical Framework

2.1 Conceptual Framework

2.1.1 Administration of Criminal Justice

Administration of criminal justice describes the institutional process through which allegations of crime are investigated, prosecuted, and followed by sentence or other lawful disposition. It includes the prosecuting authorities, courts and correctional institutions that provide legal assistance or monitoring. The concept is wider than the criminal trial because much of the work that determines the speed of a case occurs before arraignment and outside the courtroom.⁹

This wider meaning is necessary for a study of delay. If an investigation takes a year before the file reaches a prosecuting authority, a day-to-day hearing after arraignment does not remove the year already lost. If the prosecution is ready but the correctional centre cannot produce the defendant, the cause of the adjournment lies outside the court. A useful account of criminal justice administration must therefore follow the case through the institutions that control each stage.

The ACJA itself adopts an institutional view of criminal justice. Section 1 refers to management of criminal justice institutions. Part 46 creates the Administration of Criminal Justice Monitoring Committee (ACJMC), with functions like speedy disposal, court congestion, and cooperation among agencies.¹⁰ The statutory language does not confine delay to judicial conduct.

2.1.2 Criminal Trial

A criminal trial is the judicial process by which a court determines a charge against a defendant. It ordinarily begins with arraignment and plea, where it proceeds judgment and sentencing. The precise procedure depends on the court and offence. The ACJA contains separate provisions for summary trials and trials on information.¹¹

The distinction between the trial and the wider criminal process matters. Remand proceedings under sections 293 to 296 are not the trial of the substantive offence. Legal advice under section 376 precedes the information in cases beyond the jurisdiction of a Magistrate. Service of the

⁹ Yemi Akinseye-George, Administration of Criminal Justice Act (ACJA) 2015 with Explanatory Notes and Cases (Centre for Socio-Legal Studies 2017).

¹⁰ ACJA, ss 469-470.

¹¹ ACJA, Parts 31 and 36-38.

information and trial notice comes before the hearing of evidence. Hence, specific concentration only with the period after plea would miss several points at which liberty is restricted and time is lost. The right to trial within a reasonable time is therefore affected by events before the formal trial. The Human Rights Committee treats delay in criminal cases as including the period from the time a person is informed that the authorities are taking specific steps to prosecute, through final judgment, according to the circumstances of the case.¹² Domestic procedure may divide a case into investigation, remand and trial, but the effect of delay on the person accused does not follow those labels neatly.

2.1.3 Accelerated Trial

Accelerated trial in this paper means the timely movement and determination of a criminal case without avoidable delay. It is not a special shortened trial and it does not displace the ordinary burden of proof or legal representation required. The word accelerated is used to describe procedural control of time, not reduced protection for the defendant.

Reasonableness cannot be expressed by one number for every case. The gravity and complexity of the charge, conduct of the parties involved, and prejudice caused by delay can affect the assessment. In *Dasuki v Federal Republic of Nigeria*¹³, the Supreme Court treated speedy trial as part of fair hearing while rejecting the idea that every criminal case must end within one fixed period. A reasonable-time standard may therefore demand urgency in one case and permit additional preparation in another.

Section 36(4) does not guarantee a merely fast trial. It requires a fair hearing within a reasonable time. Section 36(6)(b) gives the defendant adequate time and facilities to prepare the defence. A court dealing with delay must keep both provisions in view. Refusing a necessary adjournment can damage fairness just as repeated unjustified adjournments can damage it.

2.1.4 Delay and Pre-Trial Detention

Delay is the passage of time beyond what the proper handling of the case requires. The cause may be procedural or attributable to a party. The concept should not be used for every interval between court dates. Time spent obtaining a necessary forensic report may be justified if the investigation is being pursued with reasonable diligence. Months of inactivity without explanation present a different problem. Pre-trial detention is a related but narrower concept. It is custody imposed before final conviction. A defendant may suffer trial delay while on bail, and a person may be lawfully detained for a short period before trial. The rights affected by custody are more immediate because the person remains legally presumed innocent while liberty is restricted. Article 9(3) of the International Covenant on Civil and Political Rights states that detention before trial should not be the general rule and gives a detained person a right to trial within a reasonable time or release.¹⁴ The distinction between the two concepts also affects remedies. A delayed defendant on bail may seek faster listing or challenge abuse of process. A detained person may invoke bail provisions and statutory remand limits. The ACJA attempts to control the latter through sections

¹² Human Rights Committee, General Comment No 32: Article 14, Right to Equality Before Courts and Tribunals and to a Fair Trial, UN Doc CCPR/C/GC/32 (23 August 2007), para 35.

¹³ *Dasuki v Federal Republic of Nigeria* (2018) 10 NWLR (Pt 1627) 320, 341.

¹⁴ International Covenant on Civil and Political Rights 1966, art 9(3).

293 to 296 and through monitoring of persons awaiting trial. The continued size of the awaiting-trial population shows the difficulty of converting those provisions into ordinary practice.

2.2 Theoretical Framework

2.2.1 Due Process Model

The Due Process Model associated with Herbert Packer treats the criminal process as a system in which state power requires procedural control. Reliability of the process, legal safeguards and the opportunity to challenge the case of the prosecution are central concerns.¹⁵ The model is useful here because a policy of acceleration can itself become a source of unfairness if it rewards speed without asking how the result was obtained. Applied to the ACJA, due process supports several forms of acceleration. A prohibition of tactical stays would likely prevent a defendant from using interlocutory procedure to stop the substantive case. A remand return date prevents custody from continuing without fresh judicial attention. Case management can identify disclosure problems before the trial date. None of these removes the right to counsel or adequate preparation. The model also limits some proposed reforms. A universal investigation deadline with automatic punishment may encourage investigators to file incomplete cases. Mandatory costs against every unsuccessful request for adjournment may deter counsel from seeking time that the defence genuinely needs. The better approach is to require reasons and select a remedy that fits the cause.

2.2.2 Access to Justice Theory

Access to justice is concerned with the ability of a person to use legal institutions and obtain an effective determination of rights. Cappelletti and Garth treated access as a practical problem as much as a formal one.¹⁶ A court may be formally open while delay makes the remedy weak in practice. In a criminal case, delay affects several participants. A detained defendant loses liberty before conviction. A victim or witness may repeatedly attend court without giving evidence. Memories fade and records can become harder to locate. The state bears the cost of custody and repeated proceedings. These consequences are not identical, but they arise from the same failure to move the case at a reasonable pace. Access to justice therefore supports an institutional account of timeliness. A legal rule is useful in this regard where the prosecuting authority, court and correctional service would perform the step required of them.

3.0 Legal and Institutional Framework for Timely Criminal Trials in Nigeria

3.1 Constitution of the Federal Republic of Nigeria 1999

The Constitution contains separate time rules for arrest, trial and judgment. Section 35 protects personal liberty. A person arrested or detained on reasonable suspicion of an offence must be brought before a court within a reasonable time. Section 35(5) defines that period as one day where a court of competent jurisdiction is within forty kilometres, and two days or a longer period considered reasonable by the court in other cases.¹⁷

¹⁵ Herbert L Packer, *The Limits of the Criminal Sanction* (Stanford University Press 1968), especially 149-246.

¹⁶ Mauro Cappelletti and Bryant Garth, 'Access to Justice: The Newest Wave in the Worldwide Movement to Make Rights Effective' (1978) 27 *Buffalo Law Review* 181-292.

¹⁷ Constitution, s 35(4)-(5).

Section 35(4) adds a release rule where a person is detained under section 35(1)(c) and is not tried within the stated period. The provision refers to two months for a person in custody who is not entitled to bail and three months for a person who has been released on bail, without prejudice to later proceedings and subject to reasonable conditions for appearance. Section 35(7)(a) removes the benefit of section 35(4) for a person reasonably suspected of a capital offence.¹⁸ These provisions should therefore be stated with their qualifications rather than presented as an absolute two-month or three-month end to every prosecution.

Section 36(4) addresses the criminal charge itself. It gives the person charged a fair hearing in public within a reasonable time by a court or tribunal. Section 36(6)(b) protects adequate time and facilities for preparation of the defence.¹⁹ Together, the two provisions require a court to resist avoidable delay while allowing preparation that the case genuinely requires.

The Constitution also controls the period after evidence and final addresses. Section 294(1) requires a decision in writing within ninety days after the conclusion of evidence and final addresses. Section 294(5) prevents automatic nullification merely because the ninety-day period was exceeded. An appellate or reviewing court must be satisfied that the complaining party suffered a miscarriage of justice by reason of the delay.²⁰ In *Dennis Akoma v Obi Osenwokwu*²¹, the Supreme Court applied that distinction and refused to treat delay alone as enough to nullify a judgment. A deadline can exist without making every breach fatal to the proceeding. That protects finality, but it also means that compliance depends partly on judicial administration and disciplinary oversight. Section 294(6) requires a report to the National Judicial Council where non-compliance is determined or observed.²²

3.2 Administration of Criminal Justice Act 2015

3.2.1 Scope, Arrest and Remand Control

Section 1 gives speed a statutory place, while section 2 defines the federal reach of the Act. The early provisions on arrest try to reduce unnecessary detention before a case reaches trial. Section 33 requires police officers in charge of stations to report arrests without warrant to the supervising Magistrate at the prescribed intervals, and section 34 requires monthly visits by a Chief Magistrate or designated Magistrate to police stations and other places of detention within the jurisdiction.²³ These provisions create judicial visibility over detention before formal prosecution.

Remand for an offence outside the jurisdiction of a Magistrate is governed by sections 293 to 299. Section 293 requires a person arrested for such an offence to be brought before a Magistrates' Court within a reasonable time for remand. The application must state reasons and be verified on oath. Under section 294 the Magistrate examines the basis for the request and may remand where probable cause is shown.²⁴ Section 296 then limits the duration of the order. The first remand

¹⁸ *ibid* s 35(4) and (7)(a).

¹⁹ *ibid* s 36(4) and (6)(b).

²⁰ *ibid* s 294(1) and (5).

²¹ *Dennis Akoma & Anor v Obi Osenwokwu & Ors*, SC.102/2005 (Supreme Court, 9 May 2014); see also *Owoyemi v Adekoya* (2003) 18 NWLR (Pt 852) 307.

²² Constitution, s 294(6).

²³ ACJA, ss 33-34.

²⁴ *ibid* ss 293-294.

period cannot exceed fourteen days. A further period not exceeding fourteen days may be granted on a written application showing good cause. When that period expires without trial or charge before the proper court, the Magistrate must issue a hearing notice to specified authorities. A final period of fourteen days may follow where good cause remains; otherwise the suspect is to be released.²⁵ The scheme is designed to make prolonged remand visible to the court rather than leave custody to continue by administrative inertia. The remand provisions do not create a complete investigation timetable. They control custody. An investigation may continue after release, and a complex investigation may require more time than a simple case. This distinction becomes important when section 376 is considered. The question is not merely how long a person should remain in custody, but how quickly the institutions responsible for investigation and prosecution move the file.

3.2.2 Magistrates' Court Proceedings, Legal Advice and Case Progression

Section 110 contains specific time controls. For stated proceedings, the charge and accompanying materials are to be served within seven days. The trial is to commence within thirty days of filing and be completed within a reasonable time.²⁶ Where trial has not commenced within thirty days, or remains incomplete after 180 days from arraignment, the court must forward the particulars of the case and reasons for the delay to the Chief Judge. Courts also make quarterly returns, which the Chief Judge reviews and the ACJMC may consider.²⁷ Section 110 uses reporting and review to control delay at Magistrates' Court level, while section 396 uses a more detailed adjournment formula after arraignment. The regimes are different. The practical issue is the quality of follow-up after a section 110 report and the ability of crowded courts to act on the reported cases.

Section 105 states that the Attorney-General of the Federation may issue legal advice or directions to the police or another law-enforcement agency in relation to an offence created by an Act of the National Assembly. The provision also allows the Attorney-General to request the case file, which the police or agency must send immediately.²⁸ Section 105 does not itself impose a general deadline for issuing legal advice. The fourteen-day rule appears in section 376. Where an offence is beyond the trial jurisdiction of a Magistrate, the police must, at the end of investigation, send the original case file to the office of the Attorney-General. The Attorney-General must issue and serve legal advice within fourteen days after receipt of the police file.²⁹ If the advice finds no prima facie case, the statutory process is directed towards release or discharge. If a prima facie case is found, the charge or information follows under the Act.

The sequence leaves one stage without a general number of days. Section 376 starts the fourteen-day clock after receipt of the file, while the duty to send the file arises at the end of investigation. The Act does not state that every investigation must end within thirty or ninety days. A rule of that kind would be difficult to apply to every offence, but the absence of a recorded target and extension process can allow investigative inactivity to become invisible.

²⁵ *ibid* s 296(1)-(7).

²⁶ *ibid* s 110(1)-(3).

²⁷ *ibid* s 110(4)-(7).

²⁸ *ibid* s 105.

²⁹ *ibid* s 376(1)-(3).

After an information has been filed, section 382 resumes the statutory timetable. The Chief Judge must take steps to have the information assigned for trial within fifteen working days. The assigned court must issue trial notices and a production warrant within ten working days. The Chief Registrar is to serve the notice within the period prescribed by the section.³⁰ The Act therefore contains a chain of post-filing time requirements that can be measured if courts keep reliable records.

3.2.3 Stay of Proceedings, Adjournments and Continuity of Part-Heard Trials

Section 306 removes one device that had been used to interrupt criminal cases. It states that an application for stay of proceedings in a criminal matter before the court shall not be entertained.³¹ In *Metuh v Federal Republic of Nigeria*³², the Supreme Court upheld the statutory restriction in the context of interlocutory litigation designed to halt the substantive criminal case. The provision seeks to keep the trial moving while legal objections are dealt with through the procedure allowed by law. Section 396 deals directly with the hearing after arraignment. Subsection (3) requires trial from day to day. Where that is impracticable, subsection (4) gives each party no more than five adjournments from arraignment to final judgment, with an interval not exceeding fourteen working days. After those adjournments are exhausted, the interval between later adjournments is not to exceed seven days. The court may award reasonable costs to discourage frivolous adjournments.³³ The provision is strict on paper, but it does not identify every reason that can make a hearing date fail. A witness may be ill. A forensic report may not have been served. A correctional vehicle may be unavailable. The judge may be sitting on another older part-heard matter. A defendant may have changed counsel for a legitimate reason. A numerical adjournment rule does not by itself distinguish avoidable delay from necessary preparation.

Section 396(7) attempted to solve a different problem. It allowed a High Court judge elevated to the Court of Appeal to continue sitting as a High Court judge for the limited purpose of concluding a part-heard criminal case. The Supreme Court held the subsection unconstitutional in *Ude Jones Udeogu v Federal Republic of Nigeria*³⁴. The Court held that the National Assembly could not authorise a Justice of the Court of Appeal to exercise the jurisdiction of a High Court judge in that manner. The decision has a practical consequence for timeliness. A long part-heard case can start again when the trial judge leaves the court and no lawful continuity mechanism applies. The response cannot be a simple instruction to continue using section 396(7). Any revival of the same device would require attention to the constitutional basis identified by the Supreme Court. Administrative planning before elevation and transfer is available without that problem.

³⁰ *ibid* s 382(1)-(3).

³¹ *ibid* s 306.

³² *Metuh v Federal Republic of Nigeria* (2017) 5-7 MJSC 83; Ibrahim Imam and Yusuf O Abdulhamid, 'Prohibition of Stay of Proceedings in Criminal Litigations under ACJA/EFCC Acts and Speedy Dispensation of Justice: *Olisah Metuh v FRN* (2017) 5-7 MJSC 83' (2019) 12 *African Journal of Legal Studies* 315-334.

³³ ACJA, s 396(3)-(6).

³⁴ *Ude Jones Udeogu v Federal Republic of Nigeria & Ors* (2022) 3 NWLR (Pt 1816) 41 (SC); judgment in SC.622C/2019 delivered 8 May 2020.

3.2.4 Monitoring and Information

Part 46 creates the ACJMC. Section 470 directs the Committee to promote efficient application of the Act and includes speedy handling of criminal matters, reduction of court and prison congestion, cooperation among justice institutions, and reporting to the Chief Justice of Nigeria.³⁵ Sections 471 to 475 provide for funding, annual reporting and access to records of organs in the justice sector.³⁶ This framework gives the Committee a basis for monitoring time across institutions. It is not necessary to convert the Committee into a disciplinary court for judges or prosecutors. A more useful role is to identify where cases remain beyond statutory or administrative milestones, and publish aggregate performance information. The statutory power to obtain information already points in that direction.

3.3 Nigerian Correctional Service Act 2019

The NCoS Act is part of the timely-trial framework because a defendant in custody must physically or lawfully appear when the court requires attendance. Section 2(1)(d) provides for creation of institutional and sustainable mechanisms to address the high number of persons awaiting trial among the objects of the legislation.³⁷ Section 10 assigns custodial functions that include supporting speedy disposal of cases involving persons awaiting trial.³⁸

Section 17 deals with production of inmates. A court requiring the presence of an inmate issues an order to the Superintendent specifying the time and place. Failure to produce the inmate attracts sanctions unless circumstances outside the control of the custodial centre arose and advance steps were taken to notify the court.³⁹ This is a direct statutory response to adjournments caused by non-production.

Section 18 addresses the awaiting-trial population. The Correctional Service must liaise with heads of justice institutions and relevant agencies to review causes of high pre-trial detention and develop mechanisms for speedy trial and resolution. It must provide returns and other information and issue early notice when a custodial centre exceeds capacity.⁴⁰ If the notified agencies fail to act within a reasonable period not exceeding three months, the State Controller can activate the statutory procedure for refusal of further awaiting-trial admissions, subject to the terms of the Act.⁴¹

The gap between legal duty and operational capacity is documented in the 2026 report of the Independent Investigative Panel on the Nigerian Correctional Service. The report describes transport and funding failures and recommends urgent measures for the large awaiting-trial population, including mobile courts and bail clinics at major custodial centres.⁴² A production

³⁵ ACJA, s 470.

³⁶ *ibid* ss 471-475.

³⁷ Nigerian Correctional Service Act 2019 (NCoS Act), s 2(1)(d).

³⁸ *ibid* s 10.

³⁹ *ibid* s 17(1)-(3).

⁴⁰ *ibid* s 18(1).

⁴¹ *ibid* s 18(2).

⁴² Federal Ministry of Interior, Report of the Independent Investigative Panel on the Nigerian Correctional Service (presented 3 June 2026), ss 2.2.1, 2.4.9 and 6.3.1.1 <<https://interior.gov.ng/the-investigative-panels-main-report-on-alleged-corruption-and-other-violations-against-the-nigerian-correctional-service-ncos-the-panel-was-constituted-to-investigate-allegations-of-misconduct-w/>> accessed 16 August 2026.

order cannot move an inmate to court when the institution has no workable transport arrangement. The legal rule and the operational resource must therefore be assessed together.

3.4 International and African Fair-Trial Standards

Article 9(3) of the International Covenant on Civil and Political Rights protects persons detained on criminal charges. It requires prompt judicial control and trial within a reasonable time or release. Pre-trial detention is not to be the general rule. Article 14(3)(c) separately gives a person charged with a criminal offence the right to be tried without undue delay.⁴³

The Human Rights Committee explains that the right to trial without undue delay protects the accused from prolonged uncertainty and helps preserve the interests of justice. The assessment depends on the circumstances, including complexity and conduct of the parties. For detained defendants, Article 9 creates a stronger claim to expedition because continued custody itself requires justification.⁴⁴ The African Charter on Human and Peoples' Rights protects personal liberty in Article 6 and, in Article 7(1)(d), the right to be tried within a reasonable time by an impartial court or tribunal.⁴⁵ The Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa add practical content. They refer to determination without undue delay, adequate opportunity to prepare a case, expeditious conduct by prosecutors and adequate resources for judicial bodies.⁴⁶ The regional standard therefore treats timeliness and preparation as parts of the same fair-trial framework.

4.0 Timely Criminal Trial in Practice: Delay Across the Institutional Chain

4.1 Where Delay Accumulates

The legal framework shows why section 396 ACJA 2015 cannot carry the full burden of reform. By the time section 396 begins to operate, the defendant has been arraigned. The various stages of criminal justice system like investigation, remand, and assignment may already have consumed a long period. A trial judge cannot recover all of that time by refusing later adjournments.

The first difficult stage is investigation. Section 376 ACJA 2015 requires the police to transmit the original case file when investigation ends. It does not create one general completion period. There are good reasons for avoiding a rigid rule. A homicide investigation involving ballistics and several suspects is different from a simple property offence. A cybercrime investigation may require records from service providers or another country. The absence of a universal deadline is defensible. But the absence of a recorded target and reasoned extension is harder to defend.

Remand review under section 296 ACJA 2015 places pressure on the process when the suspect is in custody, but it is not a system for managing investigations. The Magistrate considers continued detention. Release at the end of the statutory remand period does not end the investigation. A

⁴³ International Covenant on Civil and Political Rights 1966, arts 9(3) and 14(3)(c).

⁴⁴ Human Rights Committee, General Comment No 32 (n 12), para 35; Human Rights Committee, General Comment No 35: Article 9, Liberty and Security of Person, UN Doc CCPR/C/GC/35 (16 December 2014), paras 37-38.

⁴⁵ African Charter on Human and Peoples' Rights 1981, arts 6 and 7(1)(d).

⁴⁶ African Commission on Human and Peoples' Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2003), Parts A, F and M.

defendant on bail may also remain under an unresolved accusation for a long period. The investigation stage therefore needs a management device that is not tied solely to custody.

The next stage is transfer of the file and legal advice. Section 105 ACJA 2015 allows the Attorney-General to call for a file and requires immediate transmission when that power is used. Section 376 ACJA 2015 creates the fourteen-day advice period after ordinary transmission at the end of investigation. The statutory clock is clear once receipt occurs. Reliable recording of the date of receipt becomes necessary. If that date is missing, compliance cannot be measured.

The court stage contains additional statutory periods. Section 110 ACJA 2015 has a thirty-day commencement point and a 180-day reporting point for the relevant Magistrates' Court proceedings. Section 382 ACJA 2015 gives fifteen working days for assignment of information and ten working days for issue of trial notices and a production warrant. Section 396 ACJA 2015 then sets the hearing pattern. These provisions should create a traceable chronology. Practically, data on each interval are not routinely available to the public across courts.

Custodial production is another point at which a court timetable can fail. Section 17 of the NCoS Act assumes that an order will be matched by transport and staff. The 2026 correctional investigation records cases in which inmates contributed money towards transport to court and identifies lack of resources as an operational problem.⁴⁷ A hearing date has little value if the defendant cannot be brought before the court and no lawful remote arrangement is available.

The current inmate statistics make the administrative burden visible. A correctional system holding 53,670 persons awaiting trial must coordinate thousands of court appearances across jurisdictions.⁴⁸ Logistics factors like transport and scheduling become part of trial management. The problem cannot be solved by a provision directed only at counsel seeking adjournment.

Witness management creates a similar problem. A prosecutor may have a trial date but no plan for attendance of witnesses. A witness perhaps would have traveled to court several times before evidence is taken. When a case is adjourned because the prosecution is not ready, the reason should be recorded with enough detail to distinguish an incomplete investigation and avoidable administrative failure. Without that information, repeated adjournments look alike even when the causes are different.

4.2 Limits of the Existing Acceleration Rules

The first limit is fragmentation. The ACJA uses different devices at different stages: release rules, adjournment limits, and monitoring. Each provision can work within its own stage, but the statute does not give one institution a complete record of the age of the case from arrest to judgment. A case may comply with a later deadline after serious delay at an earlier stage.

The second limit is the difference between a numerical limit and a delay inquiry. Section 396 ACJA 2015 counts adjournments and intervals. It does not direct the court to ask what prejudice has arisen or how complex the case is. Those questions matter when the court must decide if a request is abusive or necessary for a fair hearing.

South African law provides a useful comparison. Section 342A of the Criminal Procedure Act 51 of 1977 requires a court to investigate delays that appear unreasonable and could cause prejudice. The court considers factors such as duration, complexity, evidential prejudice and the wider

⁴⁷ Federal Ministry of Interior (n 43), ss 2.2.1 and 2.4.9.

⁴⁸ Nigerian Correctional Service (n 6).

administration of justice. If the delay is unreasonable, the court can select from several responses, including refusal of postponement, costs in the cases permitted by the section and referral for administrative action.⁴⁹ Current South African decisions apply section 342A as an operative delay-control provision.⁵⁰ The useful feature of this model for Nigeria is the structured inquiry into cause and prejudice before a remedy is chosen, not mandatory costs. A blanket cost order for every adjournment found unnecessary would create other problems. Criminal defendants may be indigent. Counsel may seek time because disclosure was late. A prosecutor may be unable to proceed because a witness was hospitalised. The court should retain discretion guided by recorded factors. In some instances, costs can follow culpable delay where the law permits them; refusal of a postponement or administrative referral may fit other cases better.

The third limit concerns Magistrates' Court reporting. Section 110(4) ACJA 2015 provides that if trial does not commence within 30 days, or is not completed within 180 days of arraignment, the court must report the particulars and reasons to the Chief Judge. Reporting may become a mere administrative ritual if the reasons are collected and nothing follows. The Chief Judge and ACJMC need information that identifies the stage at which the case is stuck. A return saying that a case is more than 180 days old is less useful than a return showing that the prosecution has not served a forensic report, or the court has no available hearing day.

The fourth limit arises from constitutional structure. Section 396(7) ACJA 2015 sought continuity after elevation of a trial judge. The decision in *Udeogu*⁵¹ removed that route because the method conflicted with the Constitution. The case shows that speed cannot be pursued by ordinary legislation where the Constitution assigns judicial office and jurisdiction differently. Administrative responses should therefore focus on preventing avoidable loss of part-heard trials before elevation or transfer. The fifth limit is that a time rule may be weakened by lack of data. Section 470 ACJA 2015 gives the ACJMC information and publication functions. Section 475 ACJA 2015 gives access to records and power to request information.⁵² Those powers can support stage-based monitoring, but the quality of the result depends on courts and agencies recording dates in a common format. The 2024 and 2026 federal work on National Minimum Standards reflects the same concern with consistency of implementation.⁵³

4.3 A Coordinated Timely-Trial Framework

A workable reform should connect the statutory stages instead of adding another isolated deadline. The starting point should be a record of case milestones created when a suspect first appears for remand or when a charge is filed. The record would contain data such as the date of arrest, investigating agency, next required act and target date. When a target is extended, the officer responsible should state the reason and a revised date. The record would follow the case into the

⁴⁹ Criminal Procedure Act 51 of 1977 (South Africa), s 342A; see *Mothibi and Another v S* (CA&R 77/2024) [2026] ZANCHC 37 (4 May 2026).

⁵⁰ *S v Mudolo and Others* (CC07/2023) [2025] ZAGPPHC 13 (17 January 2025); *Mothibi and Another v S* (n 50).

⁵¹ *Udeogu* (n 35).

⁵² ACJA, ss 470 and 475.

⁵³ Federal Ministry of Justice, 'FG to Set National Minimum Standard on Implementation of ACJA' (24 September 2024) <<https://justice.gov.ng/press-release/?id=265&task=document.viewdoc>> accessed 16 August 2026; Federal Ministry of Information and National Orientation (n 7).

prosecuting authority and court. For ordinary investigations, legislation or prosecutorial rules can set a baseline target for completion and file transfer, with a written extension for complex cases. Thirty days may be a useful starting benchmark for routine matters, but it should not be treated as a universal legal maximum. An extension should identify the outstanding investigative step, officer responsible and expected completion date. A detained suspect remains protected separately by constitutional bail and the remand limits in section 296 ACJA 2015. The existing fourteen-day rule in section 376 ACJA 2015 should remain tied to receipt of a complete police file. The date of receipt should be electronically recorded. If the prosecuting authority returns the file for essential further investigation, the requested material and date should be entered on the same record of case milestones. This avoids the common problem in which an incomplete file moves back and forth without a clear account of the time spent at either institution.

The court should then use pre-trial case management after a plea of not guilty. Kenya provides a useful procedural model. The Guidelines Relating to Active Case Management of Criminal Cases in Magistrates' Courts and the High Court direct the court to set a pre-trial conference as soon as possible, preferably within fourteen days after a not-guilty plea. The conference addresses disclosure and readiness for trial.⁵⁴ A Nigerian practice direction can adapt the idea without copying the Kenyan timetable mechanically. The conference should identify factors such as production arrangements for a defendant in custody and realistic consecutive hearing dates. A case that is not ready should not be assigned a trial date merely to be adjourned. The court should first identify what prevents readiness and fix a date by which the missing step must be completed.

Adjournment control should move from counting alone to a recorded delay inquiry. Section 396 ACJA 2015 may retain its limits, but a practice direction or later amendment should require the court to do the following once delay becomes abnormal: record duration, complexity, status of custody, and the likely prejudice from granting or refusing the request. The South African factors provide a tested source for this type of inquiry.⁵⁵

The remedy should follow the finding. An unexplained failure by the prosecution to produce a witness after repeated directions may justify refusal of a further adjournment where fairness permits. A late disclosure by the prosecution may justify time for the defence and an order directing service. Repeated failure by an agency to send a file may justify a report to the head of the agency and the ACJMC. Costs should remain available for culpable conduct, but they should not become an automatic penalty against an indigent defendant or counsel seeking necessary preparation.

Correctional production needs a parallel system. Court registries and custodial centres should use a common electronic production calendar for defendants in custody, while retaining paper contingency arrangements. A failed production should be recorded by cause. For instance, security, medical reason, or another stated reason. Section 17 of the NCoS Act already provides legal responsibility. Better scheduling and funding for transport would make that responsibility usable. Virtual appearance can assist with remand review, mention dates and other proceedings where the applicable law and court rules permit it. It should not become a general replacement for physical criminal trials without considering factors like confidentiality of consultation with counsel and open justice. Technology should remove avoidable delays, for instance, transport

⁵⁴ Kenya Gazette Notice No 1340 of 2016, Guidelines Relating to Active Case Management of Criminal Cases in Magistrates' Courts and the High Court of Kenya, paras 4-5.

⁵⁵ Criminal Procedure Act 51 of 1977 (South Africa), s 342A(1)-(3).

delays, not reduce the quality of participation. Part-heard cases require transition planning. Heads of Court should keep a list of long criminal matters being heard by judges under consideration for elevation or transfer. Where an elevation is imminent, priority sitting should be given to cases close to completion. Procedures such as keeping of electronic records and accurate transcripts of proceedings can reduce the damage if reassignment becomes unavoidable. A return to the former section 396(7) ACJA 2015 model would need constitutional attention, not a simple statutory repetition. The ACJMC should receive the data on the stages in aggregate form and publish a periodic report on delay. The report should state information like the time of transfer of the file, arraignment to first evidence, and the number of failed production dates. The figures should be separated by level of court and broad class of offence. Information on individual cases can remain protected where publication would affect privacy or the fairness of proceedings.

This form of monitoring would also improve the debate about reform. At present, reform proposals often move quickly from a visible problem to a fixed deadline. Data on the stages would show where the greatest delay actually occurs. If most time is lost before transfer of the file, tighter adjournment rules will have limited effect. If a court has a high rate of failed production dates, transport and scheduling need attention. The remedy should follow the source of delay.

5.0 Conclusion and Recommendations

The ACJA 2015 contains a substantial set of rules directed at delay. The Magistrates' Court provisions contain commencement and reporting periods. Remand is subject to repeated judicial control. Legal advice must be issued within fourteen days after receipt of the police file. Information filed in the High Court is subject to assignment and notice periods. Section 306 ACJA 2015 prevents stays of criminal proceedings, while section 396 ACJA 2015 regulates the pace of the hearing after arraignment. The NCoS Act adds duties concerning production of inmates and the awaiting-trial population. The continuing problem cannot therefore be described simply as an absence of law. The provisions operate at different stages and depend on different institutions. One stage can fail while another remains formally compliant. The investigation may take an extended period before the fourteen-day period for legal advice starts. A court can set a trial date that fails because the defendant is not produced. A day-to-day rule does not answer either problem.

The ACJA should be revised to connect the stages through a common record of case milestones. Ordinary investigations should have a baseline administrative target, with written extensions for complex cases and separate protection of remand rights. The date of transmission and receipt of the police file should be recorded, and the existing fourteen-day period under section 376 ACJA 2015 should be monitored from that point. Later statutory periods under sections 110 and 382 ACJA 2015 should form part of the same record. Heads of Court should adopt pre-trial case management for criminal matters through valid rules or practice directions. The conference should deal with issues like readiness of witnesses, expert material and trial dates. It should occur early enough to stop a nominal trial date from being used merely to discover that the case is not ready. Adjournment control should include a reasoned delay inquiry. Courts should record the duration and cause of the delay, status of custody, and the effect of the proposed adjournment on preparation of the defense. The court can then use the remedy permitted by law that fits the cause. Costs can address culpable conduct in a proper case, but automatic costs are not recommended. The Nigerian Correctional Service should receive adequate provision for transport and use a shared schedule for production with court registries. Reasons for failed production should be recorded and reviewed

under section 17 of the NCoS Act. Remote appearance can be used for suitable procedural hearings under applicable rules, with access to counsel and effective participation protected. The ACJMC should use its existing information powers to publish stage-based data on duration of criminal cases. Public reporting should focus on aggregate information and should identify where the delay occurs. The Committee does not need power to punish judges. Its stronger contribution is to make institutional delay measurable and to require the agencies within its statutory reach to account for overdue stages. The effect of the case of Udeogu should also be reflected in court administration. Part-heard criminal cases should be reviewed before elevation or transfer of a judge, with priority given to matters close to completion. Accurate electronic records should be maintained so that unavoidable reassignment causes less loss of time. Any proposal to restore trial by an elevated judge must first address the constitutional defect identified by the Supreme Court. The objective is a criminal process in which speed is produced by preparation and institutional coordination. The rights of the defendant do not require delay, and acceleration does not require reduced fairness. A system that records each stage, identifies the source of delay and acts before the case becomes old is more likely to give practical effect to the constitutional promise of a fair hearing a reasonable time.