



## Federal Ministry of Justice

### FG MOVES TO ENSURE UNIFORMITY IN CUSTODIAL AND NON-CUSTODIAL SENTENCES

The Honourable Attorney-General of the Federation and Minister of Justice, Mr. Abubakar Malami, SAN, has said that the proposed consolidated sentencing guidelines will ensure reasonable uniformity and fairness in the imposition of Custodial and Non-custodial Sentences.



*HONOURABLE ATTORNEY GENERAL OF THE FEDERATION/MINISTER OF JUSTICE, ABUBAKAR MALAMI, SAN, GIVING HIS KEYNOTE ADDRESS AT THE VIRTUAL INTERACTIVE SESSION OF THE PRESIDENTIAL COMMITTEE ON CORRECTIONAL SERVICE REFORM AND DECONGESTION WITH RELEVANT JUSTICE SECTOR STAKEHOLDERS TO REVIEW THE DRAFT FCT COURTS SENTENCING GUIDELINES AND PRACTICE DIRECTIONS, 2020 HELD ON MONDAY AUGUST 17<sup>TH</sup>, 2020. AT THE HAGF OFFICE.*

He stated this in the Keynote address at the Virtual Interactive session of the Presidential Committee on Correctional Service Reform and Decongestion with relevant Justice Sector stakeholders to review the Draft Federal Capital Territory Courts Sentencing Guidelines and

Practice Direction, 2020 on Monday August 17<sup>th</sup>, 2020 in Abuja. According to him,” the new guideline is to set out the requirements and procedure for imposing custodial and non-custodial sentences for the purpose of preventing abuse and ensuring reasonable uniformity and fairness in the imposition of sentences”.

He emphasised that, “if Judges must not exceed the term prescribed in the statute creating an offence or exceed the quantum prescribed in punishing the offender, there must be a Sentencing Guideline. For us to avoid disparity in sentencing from one judicial officer to the other, then there must be a uniform guideline...”



*HONOURABLE ATTORNEY GENERAL OF THE FEDERATION/MINISTER OF JUSTICE, ABUBAKAR MALAMI, SAN, AND THE SOLICITOR GENERAL OF THE FEDERATION/PERMANENT SECRETARY, FEDERAL MINISTRY OF JUSTICE, DAYO APATA, SAN AT THE VIRTUAL INTERACTIVE SESSION OF THE PRESIDENTIAL COMMITTEE ON CORRECTIONAL SERVICE REFORM AND DECONGESTION WITH RELEVANT JUSTICE SECTOR STAKEHOLDERS TO REVIEW THE DRAFT FCT COURTS SENTENCING GUIDELINES AND PRACTICE DIRECTIONS, 2020 HELD ON MONDAY AUGUST 17<sup>TH</sup> 2020. AT THE HAGF OFFICE.*

He noted that the Guideline would also ensure that congestion in prisons is reduced to the barest minimum through the use of non-custodial sentences, in line with section 470(2)(c) of the Administration of Criminal Justice Act, ACJA’, 2015 and section 2(1)(b) of the Nigerian Correctional Service Act, 2019. The AGF said the Federal Capital Courts Sentencing Guidelines is geared towards implementing one of the major

recommendations of the National Workshop on the Effective Implementation of the Nigerian Correctional Service Act, 2019 held in November, 2019 in Abuja.

The proposed Consolidate Sentencing Guidelines will also set out the appropriate standards and guideline for the sentencing process in offences against the state, person, public order, morality, homicide, property and corruption related offences, for the purpose of ensuring reasonable uniformity and fairness in sentencing in the Federal Capital Territory; set out the requirements and procedure for imposing

Malami said, "This interactive session has therefore brought together relevant stakeholders especially the FCT Judiciary to review, ratify, validate and adopt the consolidated draft document which will hopefully be signed in no distant time by my Lord, the Chief Judge of the FCT High Court. "It is expected that this pilot document will be extended to other States of the Federation, especially those States that have enacted the Administration of Criminal Justice Law. The administration of our criminal justice system is an embodiment of diverse institutions respectively engaged in the detection, prosecution and adjudication over offenders culminating to conviction and sentencing".

The Chairman of the Presidential Committee, Justice Ishaq Bello, who is also the Chief Judge of the FCT High Court in his welcome address said the introduction of non-custodial sentences such as probation, community service, restitution, compensation and suspended sentence by the Administration of Criminal Justice Act, 2015 was one of the main innovations of the new Act which was aimed at addressing the problem of congestion of correctional facilities in Nigeria. He however noted that the existing Federal Capital Territory Courts (Sentencing Guidelines) Practice Direction, 2016 did not make adequate provision for non - custodial measures which necessitated a review to address the existing gaps, relating to non-custodial sentencing and to ensure fairness, consistency and uniformity in imposition of both custodial and non-custodial sentences



*L-R HONOURABLE ATTORNEY GENERAL OF THE FEDERATION/MINISTER OF JUSTICE, ABUBAKAR MALAMI, SAN, THE SOLICITOR GENERAL OF THE FEDERATION/PERMANENT SECRETARY, FEDERAL MINISTRY OF JUSTICE, DAYO APATA, SAN, SECRETARY, PRESIDENTIAL COMMITTEE ON CORRECTIONAL SERVICE REFORM AND DECONGESTION, MRS LETICIA AYOLA-DANIELS AND SPECIAL ASSISTANT TO THE HAGF ON MEDIA DR. UMARU JIBRILU GWANDU IN A GROUP PHOTOGRAPH , AT THE VIRTUAL INTERACTIVE SESSION OF THE PRESIDENTIAL COMMITTEE ON CORRECTIONAL SERVICE REFORM AND DECONGESTION WITH RELEVANT JUSTICE SECTOR STAKEHOLDERS TO REVIEW THE DRAFT FCT COURTS SENTENCING GUIDELINES AND PRACTICE DIRECTIONS, 2020 HELD ON MONDAY AUGUST 17<sup>TH</sup>, 2020. AT THE HAGF OFFICE.*

He said subsequent review of the FCT Courts Sentencing Guidelines Practice Direction, 2016, following the enactment of the Nigerian Correctional Service Act, 2019 revealed that there is inadequate provisions on the circumstances when non-custodial sentence can or cannot be imposed; He added that there is also ambiguity as to whether the discretion on non-custodial sentence should be confined to the provisions of the ACJA and the Sentencing guidelines.

In his closing remark, the Solicitor General of the Federation and Permanent Secretary, Mr. Dayo Apata, SAN, thanked the Justice Sector Stakeholders and Experts for their participation and contributions, especially the Chief Judge of Lagos State, Honourable Justice Kazeem O. Alogba, who shared the Lagos state experiences, challenges and lessons in the Administration of Criminal Justice. He expressed gratitude to the HAGF and the United Nations, Office of the High Commissioner for Human Rights (OHCHR), for their consistent

support towards the success of the Justice Sector Reform programs of the Federal Ministry of Justice.

The Senior Human Rights Adviser to United Nation Resident and Humanitarian Coordinator, Dr. Martine Ejidike in his goodwill message said, the act was not a self-implemented as it requires several processes for proper report. According to him, the sentencing guidelines are one of the important things that must not be done without. He emphasised that, without effective sentencing implementation process, the Act will not work. He therefore urged the Justice Sector to consider the sentencing guidelines and never loss side of the main objectives of the adoption in Justice Sector.

The Secretary of the Committee, Mrs. Leticia Ayoola-Daniels, speaking with the Media, expressed satisfaction with the success of the event and hoped that the Committee will continue to enjoy the support of relevant Justice Sector Stakeholders in the delivery of its Mandate to fast track the decongestion of Custodial centres via the deployment of selected crucial measures.