



## Federal Ministry of Justice

### SENTENCING GUIDELINES WILL ACCELERATE DECONGESTION OF CORRECTIONAL CENTRES - MALAMI

The Honourable Attorney-General of the Federation and Minister of Justice, Abubakar Malami, SAN has said that the Consolidated Federal Capital Territory Courts Sentencing Guidelines and Practice will accelerate decongestion of Correctional Centres nationwide. Malami made this known in his remark at the signing of the Consolidated Federal Capital Territory Courts (Custodial and Non - Custodial Sentencing) Practice Directions, 2020, in Abuja on Monday, 2<sup>nd</sup> November, 2020.

He said introduction of non-custodial sentences by the Administration of Criminal Justice Act, 2015 and more recently, the provision of a clear



legislative and institutional framework for their implementation by the Nigerian Correctional Service Act, 2019 were efforts by the Federal Government aimed at addressing the colossal problem of congestion in correctional facilities in Nigeria. According to him, “The provision for non-custodial sentences such as probation, community service, restitution, compensation and suspended sentence by the ACJA 2015, was one of the main innovations of the Act”. He noted that on August 17th, 2020, during the Virtual Interactive

*HONOURABLE ATTORNEY GENERAL OF THE FEDERATION/MINISTER OF JUSTICE, ABUBAKAR MALAM, SAN, GIVING HIS OPENING REMARKS AT THE SIGNING EVENT OF THE CONSOLIDATED FEDERAL CAPITAL TERRITORY COURTS SENTENCING GUIDELINES AND PRACTICE DIRECTIONS, 2020 HELD IN FCT HIGH COURT, ON MONDAY 2<sup>ND</sup> NOVEMBER, 2020.*

Session to review the Draft of the FCT Courts Sentencing Guidelines and Practice Directions, 2020, organized by the Presidential Committee on Correctional Service Reform and Decongestion in collaboration with the Federal Ministry of Justice, he explained that the Federal Capital Territory Courts Sentencing Guidelines and Practice Directions 2020 was

geared towards implementing one of the major recommendations of the National Workshop on the Effective Implementation of the Nigerian Correctional Service Act, 2019, held between the 25th - 27th November, 2019 in Abuja.



*HONOURABLE ATTORNEY GENERAL OF THE FEDERATION/MINSTER OF JUSTICE, ABUBAKAR MALAMI SAN, CHIEF JUDGE, FCT HIGH COURT/ CHAIRMAN PRESIDENTIAL COMMITTEE ON CORRECTIONAL SERVICE REFORM AND DECONGESTION, HON. JUSTICE ISHAQ BELLO SIGNING THE SENTENCING GUIDELINE AND PRACTICE DIRECTIONS, 2020 AND FCT HIGH COURT JUDGE, HON. JUSTICE SALISU GARBA AT THE FCT HIGH COURT ON MONDAY 2<sup>ND</sup> NOVEMBER, 2020.*

He said at that Workshop which brought together critical Stakeholders in the Administration of Justice Sector, both at the State and Federal levels, it was resolved that, for a proper and effective implementation of the Nigerian Correctional Service Act, 2019, Sentencing Guidelines and Practice Direction commencing with the FCT, should be produced as a matter of urgency and issued especially for the implementation of non-custodial measures provided under Part II of the Nigerian Correctional Service Act, 2019. Following the harmonization of the inputs of the stakeholders at the National Workshop, a Technical Working Committee put in place by the Federal Ministry of Justice in collaboration with the Presidential Committee on Correctional Service Reform and Decongestion subsequently developed a Draft FCT Courts (Non-Custodial Sentence) Practice Directions, 2020.

He recalled that at a retreat organized by the Federal Ministry of Justice in collaboration with the Presidential Committee on Correctional Service Reform and Decongestion which held at Uyo, Akwa Ibom State from March 16th -18th 2020, 'the Draft FCT Courts (Non-Custodial Sentence) Practice Directions, 2020 was subjected to stakeholders review. He said

stakeholders, after a review of the document recommended that the Draft be consolidated with the existing 'Federal Capital Territory Courts (Sentencing Guidelines) Practice Direction, 2016 to avoid multiplicity of Sentencing Guidelines and Practice Directions on the same subject.

The Minister said, "the Consolidated Draft Document was subjected to a general review at the Virtual Interactive Session held on August 17th, 2020 and later a Technical Working Committee made up of Judges, Magistrates from the FCT Judiciary and other relevant stakeholders was constituted to review, ratify, validate and adopt the consolidated draft document which will be signed today by my Lord, the Chief Judge of the FCT High Court".



*R-L HONOURABLE ATTORNEY GENERAL OF THE FEDERATION/MINISTER OF JUSTICE, ABUBAKAR MALAMI SAN, CHIEF JUDGE, FCT HIGH COURT/ CHAIRMAN PRESIDENTIAL COMMITTEE ON CORRECTIONAL SERVICE REFORM AND DECONGESTION, HON.JUSTICE ISHAQ BELLO IN A GROUP PHOTOGRAPH WITH MEMBERS OF THE PRESIDENTIAL COMMITTEE ON CORRECTIONAL SERVICE REFORM AND DECONGESTION AT THE SIGNING EVENT OF THE SENTENCING GUIDELINES AND PRACTICE DIRECTIONS, 2020 HELD IN FCT COURT ON MONDAY 2<sup>ND</sup> NOVEMBER, 2020.*

"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 Act (ACJA)". "Our conviction is that these Guidelines and Practice Directions will bring about the expected change in sentencing and will in particular, effectively enable the deployment of non - custodial measures," he said. He said from experience from other jurisdictions, the Sentencing Guidelines will accelerate the decongestion of Correctional Centres nationwide adding that this was one of the focal objectives of this Present Administration.

He said the objective of the consolidated Sentencing Guidelines and Practice Directions about to be signed today are as follows -

- (a) to 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;
- (b) 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; and
- (c) to 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, 2015 (hereinafter referred to as 'ACJA') and section 2(1)(b) of the Nigerian Correctional Service Act, 2019.

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 Guidelines. For us to avoid disparity in sentencing from one judicial officer to the other, then there must be a uniform guidelines. He said that the draft Consolidated Sentencing Guidelines has taken into consideration all the factors enumerated under sections 311, 313, 316, 317 and 401 of the ACJA, 2015 especially the following:

- (a) The objectives of sentencing, including the principles of reformation and deterrence,
- (b) The interest of the victim, the convict and the community;
- (c) The appropriateness of non - custodial sentence or treatment in lieu of imprisonment; and
- (d) Previous conviction of the convict.

Speaking, the Chief Judge, Federal Capital Territory (FCT) High Court /Chairman Presidential Committee on Correctional Service Reform and Decongestion, Hon. Justice Ishaq Bello explained that the key recommendations for the development and issuance of Sentencing Guidelines on non-custodial measures is to have a robust, comprehensive and complete document that bears relevance to the current status of correctional service reforms. He noted that the Committee has achieved another milestone in the Administration of Justice in the area of sentencing as it affects the court's work in maintaining consistency and also as a measure to curb congestion in the correctional facilities by giving life to non-custodial sentencing measures.

Bello explained that on 16<sup>th</sup> of October 2017, he signed the Federal Capital Territory Courts (Sentencing Guidelines) Practice Direction 2016, adding that the Practice Direction was the product of a collaborative effort between the FCT High Court and the **UNODC** at that time.

He said the correctional facilities face major challenges because of congested and obsolete facilities and the resultant effect is that inmates often find themselves in deplorable conditions of detention that can have negative effects on their physical and mental health and impede their chances of future adjustment in a normal life in the society upon their release.

He urged the Judges, Magistrates and any other court exercising criminal jurisdiction to give the new Sentencing Guidelines (PRACTICE Direction) the attention and seriousness' it deserves so that they can adequately master the techniques that will help them develop a standard sentencing procedures that will ultimately increase the quality of justice delivery.

In attendance were the Representatives of the Controller General, Nigerian Correctional Service, Nigeria bar Association, Rule of Law Adviser to the President, Dr. Fati Waziri, some Magistrates and Judges among others.