

From P. Ostien, ed., *Sharia Implementation in Northern Nigeria 1999-2006: A Sourcebook* (Ibadan: Spectrum Books Ltd., 2007), Volume IV, Chapter 5, pp. 171-205. In the book, the title of the essay is "Introduction to Chapter 5". It introduces and discusses the Sharia Criminal Procedure Codes, which the rest of Chapter 5 documents in detail. The entire chapter, including the documentary materials, is available at <http://www.sharia-in-africa.net/pages/publications/sharia-implementation-in-northern-nigeria.php>.

NIGERIA'S SHARIA CRIMINAL PROCEDURE CODES

Philip Ostien

1. Brief history of the law of criminal procedure in the Northern States of Nigeria.

a. The colonial period. The extreme legal pluralism practised in the Northern Region during the colonial period – even extending to the field of criminal law – has already been described.¹ This phenomenon affected not only the substantive law applied but also the rules of procedure followed in criminal matters in the various Northern courts.

i. The English courts. For the "English" courts – the Magistrates' and High Courts – there was, to go along with the essentially English Criminal Code applied in these courts, a Criminal Procedure Ordinance, first enacted in the earliest days of British rule in Nigeria.

[T]he Protectorate of Northern Nigeria decided to codify its criminal law and procedure and Gollan, the Chief Justice, proceeded to draft two Codes. The first, one of Criminal Procedure, was modelled on the Gold Coast Ordinance of 1876 and was enacted in 1903...

In 1914 the Protectorates of Northern and Southern Nigeria were amalgamated and the bodies of law operative in the two protectorates had to be synthesised. Criminal procedure presented no problem. In the South there was the Criminal Procedure Ordinance of 1876 originally enacted when Lagos was part of the Colony of the Gold Coast, and in the North there was Gollan's Criminal Procedure Proclamation of 1903 modelled on the 1876 Ordinance. All that was needed was to replace these with a consolidating Ordinance and the Nigerian Criminal Procedure Ordinance was accordingly enacted in 1914.²

The Criminal Procedure Ordinance governed not only procedure in criminal cases prosecuted in the English courts, but also some of the wider matters covered by the modern law of criminal procedure, including certain police procedures and allowable measures for the prevention of offences. In 1945 the old Ordinance – by then much amended – was repealed and replaced with a new one.³ The new Criminal Procedure Ordinance continued in force throughout Nigeria up to 1960. As from time to time and

¹ In the Introduction to Chapter 4, this volume 3-4.

² H.F. Morris, "A History of the Adoption of Codes of Criminal Law and Procedure in British Colonial Africa, 1876-1935", *Journal of African Law*, 18 (1974), 6-25 at 9. The Gold Coast Ordinance of 1876, and hence the first Nigerian Criminal Procedure Ordinance, was based on models from British jurisdictions in China, Japan, Hong Kong, the Straits Settlements, Fiji and the Leeward Islands. *Id.* at 7-8. As up till then amended it appeared as Cap. 20 of the 1923 Laws of Nigeria.

³ Ordinance No. 42 of 1945, Cap. 43 of the Laws of Nigeria 1948.

Nigeria Criminal Procedure Code

Ying Liu



Nigeria Criminal Procedure Code:

Criminal Procedure Code, CAP. 30 Northern Nigeria (Nigeria),1965 **Criminal Procedure and Trials in Nigeria** Sonia Akinbiyi,2002 *The Nigerian Penal System* Alan Milner,1972 **Readings in the Cameroon Criminal Procedure Code** Andrew Ewang Sone,2007 *African Penal Systems* Alan Milner,2024-07-31 First published in 1969 African Penal Systems is the first book to explore the problems of African criminology Sixteen distinguished contributors sociologists lawyers and psychiatrists each an authority on some aspect of African penal problems have collaborated to produce it Its first part gives a general survey of the penal systems of some fourteen African countries variously English French or Portuguese inclined or wholly autochthonous Part two includes six specialist contributions on various detailed problems in the development and operation of the modern African systems In his introduction Alan Milner describes the sociological forces responsible for the increase of crime in Africa and examines the possibility of the growth of a peculiarly African approach to the solution of its penal problems This is a must read for scholars and researchers African Studies criminology and African Law *The Criminal Procedure Code of Northern Nigeria* Sam Scruton Richardson, Tom Hitchon Williams,1963

Criminal Justice Responses to the Boko Haram Crisis in Nigeria Victoria Ojo-Adewuyi,2024-01-01 This book concentrates on the crisis perpetrated by the Boko Haram group in Nigeria which since 2009 has made a definitive impact on both the domestic and international criminal landscape The volume centres on three core issues first an assessment of the criminal legal responses at the domestic level where the legal characterization of the conducts in question including an evaluation of the state of specific domestic prosecutions are assessed Secondly the book gauges the potential for international criminal justice while evaluating the Boko Haram situation at the International Criminal Court This includes an assessment of the jurisdictional aspects the admissibility and the interests of justice requirements in addition to the appraisal of conducts amounting to war crimes and crimes against humanity perpetrated Finally the book explores possible non prosecutorial responses in the form of classic and non classic transitional justice mechanisms that maybe utilized as a response to the crisis in Nigeria Furthermore it draws instructive lessons from Nigeria s past misadventure with specific transitional justice mechanisms while exploring the realities of utilizing the restorative justice mechanisms available in Nigeria The volume concludes by calling for a victim centred approach in the discourse around the Boko Haram crisis This book presents a definitive study of the history of the development of Boko Haram and the related domestic and international criminal legal issues Researchers and anyone seeking to understand the Boko Haram crisis in relation to international criminal law including those looking for a clear overview of the criminal conduct perpetrated by Boko Haram in Nigeria and a view of Nigeria s domestic legal regime will benefit from the information on offer Victoria Ojo Adewuyi is a lawyer called to the Nigeria Bar in 2012 She obtained a Bachelor of Laws degree LL B in 2011 from the Obafemi Awolowo University Ile Ife Nigeria obtained a Master of Laws Degree LL M from the University of the Western Cape Cape Town South Africa and

Humboldt University zu Berlin under the South African German Centre for Transnational Criminal Justice in 2016 and completed her doctorate in International Criminal Law at the Humboldt University zu Berlin Germany in 2022

The Criminal Procedure S. S. Richardson, T. H. Williams, 1963 *Criminal Procedure Code in the Northern States of Nigeria* Northern Nigeria (Nigeria), Jeffrey Richard Jones, 1987 **Annual Survey of African Law Cb** E. Cotran, N.N. Rubin, 2014-09-11 First published in 1973 This is volume 3 1969 of the Annual Survey of African Law It includes papers articles and discussions that are split into sections on Commonwealth African countries and Francophonic African Countries and other African countries as well as a listing of cases and statutes **The Criminal Procedure of the Southern States of Nigeria** Fidelis Nwadialo, 1976 A *The Laws of England*, 1909 **The Criminal Procedure Code of Northern Nigeria by S. S. Richardson and T. H. Williams** S. S. Richardson, T. H. Williams, 1963 **Annual Survey of African Law Cb** Eugene Cotran, Neville N. Rubin, 2021-06-23 This is the first in a series of annual volumes which aim to review the principal legal developments that take place in the countries of sub Saharan Africa This series is intended to enable those who have an academic or professional interest in African law to keep abreast of changes in the various branches of the different legal systems of Africa **The All Nigeria Law Reports**, 1963 *Nigerian Monthly Law Reports*, 1975 Decisions of the Supreme Court of Nigeria and the High Courts of Lagos Eastern Midwestern Western and Northern Nigeria **Corpus Juris** William Mack, William Benjamin Hale, 1919 **Sharia Implementation in Northern Nigeria 1999-2006: The Sharia penal and criminal procedure codes** Philip Ostien, 2007 *Guide to the Text of the Criminal Law and Criminal Procedure Codes of Cameroon and Togo* Anton Wekerle, 1976 **Minutes** League of Nations. Advisory Commission for the Protection and Welfare of Children and Young People. Traffic in Women and Children Committee, 1922

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